

**MEETING TO BE  
LIVE STREAMED AT**  
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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**

**May 13, 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  
Proclamation for Jewish American Heritage Month  
State of the Township Address
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

2024-10 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

2024 BUDGET PRESENTATION, HEARING AND ADOPTION

11. Consent Agenda

A. Resolutions

B. Minutes

April 8, 2024 - Business Session - As Amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2024-R117 Authorizing the Mayor and Clerk to Execute An Easement Modification Agreement for 12 Highpoint Place

2024-R118 Approving an Additional Extension of Reservation of Sewer Capacity for the Project Known as Senior Living at Bear Creek (PB19-13)

2024-R119 Granting the Extension of Reservation of Sewer Capacity for the Project Known as AvalonBay Princeton Junction Train Station Redevelopment Project (PB20-15)

2024-R120 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Arora & Associates, P.C. for Engineering Services for the Project Known as Trolley Line Trails Pedestrian Crossing - \$13,800.00

2024-R121 Authorizing the Mayor and Clerk to Execute Amendment #3 to the Professional Services Agreement with Spiezle Architectural Group, Inc. to Provide Supplemental Architectural Services for the Project Known as Municipal Building Renovations in the Amount of \$7,765.06 for a Total Not to Exceed \$374,915.06

14. Introduction of Ordinances

2024-11 AN ORDINANCE AMENDING AND SUPPLEMENTING PART II  
"GENERAL LEGISLATION" OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW  
JERSEY (1999) CHAPTER 4; "ADMINISTRATION OF  
GOVERNMENT" SECTION 4-37E "POLICE DIVISION" OF  
THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

Public Hearing: May 28, 2024

2024-12 AN ORDINANCE AMENDING AND SUPPLEMENTING PART II  
"GENERAL LEGISLATION" OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW  
JERSEY (1999) CHAPTER 168; "TRAFFIC AND PARKING"  
ARTICLE V "TRAFFIC AND PARKING REGULATIONS ON  
PRIVATE PROPERTY" SECTION 168-37C "CONTROL OF  
MOVEMENT AND PARKING ON PUBLIC AND PRIVATE  
PROPERTY" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF  
WEST WINDSOR - W Squared

Public Hearing: May 28, 2024

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

**REQUEST FOR COUNCIL ACTION**

**INDICATE ACTION REQUESTED (check one):**

Date of Request: **March 28, 2024**

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

Initiated By: John V. Mauder, CFO Division of: Finance

**ACTION REQUESTED:** Prior to budget introduction, it is requested that Township Council introduce the attached ordinance authorizing a cost of living adjustment (COLA) of 3.5 percent and the re-establishment of cap banking.

**EXECUTIVE SUMMARY:** 2004 amendments to the cap law eliminated automatic cap banking. For 2024, municipalities are permitted to increase **appropriations** within cap by no more than 2.5 percent, unless action is taken by the governing body to increase the COLA for 2024 to 3.5 percent. The ordinance also permits the banking of any 2024 unappropriated balances for use in future budgets.

**This ordinance must be approved by a majority of the full membership of the governing body.**

**OTHER SUPPORTING INFORMATION ATTACHED**

Local Finance Notice 2023-19, dated 10/13/23, Memo, Current Fund-Appropriations sheet 19, CAP Calculation sheet 3b and CAP and Banking Ordinance Calculations Comparison

**DISK & file name (OR) S:\AGENDA INBOX (file name Cap Ordinance 2024** \_\_\_\_\_

**COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW**

<i>John V. Mauder</i>	3/27/24
Department/Division Head	Date

APPROVED FOR AGENDA OF: April 8, 2024

By: Marlena A. Schmid, Business Administrator

*Marlena A. Schmid* 4/10/24

**\*\* 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: 4/8/24 Ordinance # 2024-10 Resolution # \_\_\_\_\_

Council Action Taken:

Distributed:

ORDINANCE 2024-10

TOWNSHIP OF WEST WINDSOR

COUNTY OF MERCER

CALENDAR YEAR 2024

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND  
TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

- WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5 percent unless authorized by ordinance to increase it to 3.5 percent over the previous year's final appropriations, subject to certain exceptions; and
- WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5 percentage rate as an exception to its final appropriations in either of the next two succeeding years; and
- WHEREAS, the Township Council of the Township of West Windsor in the County of Mercer finds it advisable to increase its CY 2024 budget by up to 3.5 percent over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and
- WHEREAS, the Township Council hereby determines that a 1.0 percent increase in the budget for said year, amounting to \$363,103.91 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and
- WHEREAS, the Township Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Windsor, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Township of West Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50 percent, amounting to \$1,270,863.69 and that the CY 2024 municipal budget for the Township of West Windsor be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, is filed with said Director within 5 days after such adoption.

This Ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

Introduction: April 8, 2024

Public Hearing: May 13, 2024

Adoption:

Mayor's Approval:

Effective Date:

**CURRENT FUND - APPROPRIATIONS**

8. GENERAL APPROPRIATIONS	FCOA	Appropriated				Expended 2023	
		for 2024	for 2023	for 2023 By Emergency Appropriation	Total for 2023 As Modified By All Transfers	Paid or Charged	Reserved
(E) Deferred Charges and Statutory Expenditures - Municipal within "CAPS" - (continued)	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
<b>(2) STATUTORY EXPENDITURES:</b>	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Contribution to:							
Public Employees' Retirement System	36-471	1,125,373.00	1,006,932.00		1,006,932.00	1,006,932.00	-
Social Security System (O.A.S.I.)	36-472	1,391,000.00	1,254,774.00		1,254,774.00	1,188,849.86	65,924.14
Consolidated Police & Fireman's Pension Fund	36-474				-		-
Police and Firemen's Retirement System of NJ	36-475	2,549,222.00	2,263,780.00		2,263,780.00	2,263,780.00	-
Unemployment Compensation Insurance (N.J.S.A. 43:21-3 et seq.)	23-225	1,000.00	1,000.00		1,000.00		1,000.00
					-		-
					-		-
					-		-
Defined Contribution Retirement Program (DCRP)	36-477	10,000.00	10,000.00		10,000.00	5,182.73	4,817.27
					-		-
<b>Total Deferred Charges and Statutory Expenditures - Municipal within "CAPS"</b>	<b>34-209</b>	<b>5,076,595.00</b>	<b>4,536,486.00</b>	<b>-</b>	<b>4,536,486.00</b>	<b>4,464,744.59</b>	<b>71,741.41</b>
(F) Judgments	37-480				-		XXXXXXXXXX
(G) Cash Deficit of Preceding Year	46-855				-		-
<b>(H-1) Total General Appropriations for Municipal Purposes within "CAPS"</b>	<b>34-299</b>	<b>38,076,481.00</b>	<b>35,104,709.23</b>	<b>-</b>	<b>35,104,709.23</b>	<b>32,058,908.66</b>	<b>3,045,800.57</b>

EXPLANATORY STATEMENT - (Continued)

BUDGET MESSAGE

<u>CAP CALCULATION</u>		<u>CAP CALCULATION</u>	
Total General Appropriations for 2023	50,697,524.92	Allowable Operating Appropriations before	
Cap Base Adjustment:	<u>1,205,682.00</u>	Additional Exceptions per (N.J.S.A. 40A:4-45.3)	37,218,151.01
Subtotal	51,903,206.92		
Exceptions Less:		Additions:	
Total Other Operations	4,875,698.00	New Construction (Assessor Certification)	649,645.79
Total Uniform Construction Code		2022 Cap Bank Utilized	
Total Interlocal Service Agreement	919,505.00	2023 Cap Bank Utilized	9,240.35
Total Additional Appropriations			
Total Capital Improvements	3,321,217.00		
Total Debt Service	4,053,625.00		
Transferred to Board of Education		Total Additions	<u>658,886.14</u>
Type I School Debt			
Total Public & Private Programs	304,868.14	Maximum Appropriations within "CAPS" Sheet 19 @ 2.5%	<u>37,877,037.15</u>
Judgements			
Total Deferred Charges	266,250.00		
Cash Deficit		Additional Increase to COLA rate. 3.5%	
Reserve for Uncollected Taxes	<u>1,851,652.55</u>	Amount of Increase allowable. 1.0%	<u>363,103.91</u>
Total Exceptions	15,592,815.69		
Amount on Which CAP is Applied	36,310,391.23	Maximum Appropriations within "CAPS" Sheet 19 @ 3.5%	<u>38,240,141.07</u>
2.5% CAP	<u>907,759.78</u>		
Allowable Operating Appropriations before		Total General Appropriations for Municipal Purposes	<u>38,076,481.00</u>
Additional Exceptions per (N.J.S.A. 40A:4-45.3)	37,218,151.01	(Sheet 19, H-1)	
		Over or (Under) Appropriations Cap	<u>(163,660.07)</u>

NOTE: Sheet 3b

- MANDATORY MINIMUM BUDGET MESSAGE MUST INCLUDE A SUMMARY OF:**
1. HOW THE "CAP" WAS CALCULATED. (Explain in words what the "CAPS" mean and show the figures.)
  2. A SUMMARY BY FUNCTION OF THE APPROPRIATIONS THAT ARE SPREAD AMONG MORE THAN ONE OFFICIAL LINE ITEM (e.g. if Police S & W appears in the regular section and also under "Operation Excluded from "CAPS" section, combine the figures for purposes of citizen understanding.)



CAP and Banking Ordinance Calculations Comparison	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Amount on Which "CAP is Applied	26,487,344.75	26,820,406.75	27,406,914.75	28,313,232.00	29,124,862.75	29,763,927.81	30,473,807.00	31,953,546.00	32,896,831.00	36,310,391.23
CAP BASE ADJ:						263,000.00				
Amount on Which "CAP is Applied						30,026,927.81	30,473,807.00	31,953,546.00	32,896,831.00	36,310,391.23
Add:										
2011 "CAP" Bank										
2012 "CAP" Bank										
2013 "CAP" Bank	1,197,381.40									
2014 "CAP" Bank	0.00	0.00								
2015 "CAP" Bank		0.00	0.00	0.00						
2016 "CAP" Bank			0.00	511,671.49						
2017 "CAP" Bank				822,207.45	822,207.45					
2018 "CAP" Bank					283,132.32	283,132.32				
2019 "CAP" Bank						449,480.80	449,480.80			
2020 "CAP" Bank							516,306.76			
2021 "CAP" Bank								493,582.16	493,582.16	
2022 "CAP" Bank									319,535.46	
2023 "CAP" Bank										9,240.35
2013 "CAP" - 2.0%										
2014 "CAP" - 0.5%										
2015 "CAP" - 1.5%	397,310.17									
2016 "CAP" - 0.0%		0.00								
2017 "CAP" - 0.5%			137,034.57							
2018 "CAP" - 2.5%				707,830.80						
2019 "CAP" - 2.5%					728,121.57					
2020 "CAP" - 2.5%						750,673.20				
2021 "CAP" - 1.0%							304,738.07			
2022 "CAP" - 2.5%								798,838.65		
2023 "CAP" - 2.5%									822,420.78	
2024 "CAP" - 2.5%										907,759.78
COLA RATE ORDINANCE (up to 3.5%)	529,746.90	938,714.24	822,207.44	283,132.32	291,248.63	300,269.28	761,845.18	319,535.46	328,968.31	363,103.91
Assessor's Certified Additions for New Construction	102,000.74	79,169.87	153,582.00	14,136.40	69,175.66	184,448.48	36,931.02	48,465.68	252,611.87	649,645.79
Allowable Operating Appropriations within "CAP"	28,713,783.96	27,838,290.86	28,519,738.77	30,652,210.46	31,318,748.38	31,994,931.89	32,543,108.83	33,613,967.95	35,113,949.58	38,240,141.06
Total Operating Appropriations within "CAP"	26,820,406.75	27,406,914.75	28,313,231.75	29,124,862.75	29,763,927.81	30,742,512.00	31,953,545.92	32,896,831.00	35,104,709.23	38,076,481.00
Annual Increase in Appropriations within "CAP"	333,062.00	586,508.00	906,317.00	811,631.00	639,065.06	978,584.19	1,211,033.92	943,285.08	2,207,878.23	2,971,771.77
<b>Total Operating Appropriations within "CAP" Less Total Allowable Operating Appropriations within "CAP" - Over or (Under) Appropriations Cap</b>										<b>-163,660.06</b>

**TOWNSHIP OF WEST WINDSOR**  
***Finance Division***

**MEMORANDUM**

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

**FROM:** John V. Mauder, Chief Financial Officer

**SUBJECT:** COLA Ordinance 2024

**DATE:** March 28, 2024

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COLA Ordinance 2024-10 pertains to the Budget Appropriations CAP and serves as a financial planning tool for subsequent years' operating budgets. The Ordinance must be adopted prior to the adoption of the 2024 Municipal Budget.

The Director of the Division of Local Government Services has established that the 2024 budget shall be limited to a 2.5% CAP increase on the amount of the budget subject to CAP. Local Government Cap Law provides an increase to 3.5 percent by ordinance.

Adoption of this ordinance permits a \$363,103.91 increase in final appropriations, of which \$199,443.84 will be used in the 2024 Budget and \$163,660.07 as a CAP Bank for the 2025 and/or 2026 budgets.

The proposed budget includes \$38,076,484.00 subject to CAP. (see Budget sheet 19)

See budget sheet 3b for the cap calculation.

The "1977" budget cap law (which caps APPROPRIATION increases and is separate from the tax levy cap), requires the DLGS Director to establish the Cost of Living

Adjustment (COLA). The COLA established for Calendar Year 2024 municipal budgets is 2.5%; therefore, municipalities can only increase their previous year's final appropriations by 2.5%, subject to certain exceptions, without utilizing the provisions in the COLA ordinance and prior year cap banking.

The COLA ordinance is a financial planning tool for subsequent years operating budgets that allows the Administration and Council to deal with budgetary pressures in accordance with statute.

Adoption of a COLA ordinance permits necessary increases to appropriations up to the statutorily permitted 3.5% and bank (for up to two years) any unused appropriation authority.

The vote to approve the COLA ordinance requires a separate action from the introduction and adoption of the annual budget. The vote on the municipal budget determines the amount of appropriations authorized to be spent in the fiscal calendar year.

**If the Ordinance is not passed, Council cannot introduce the 2024 Budget.**

**REQUEST FOR COUNCIL ACTION**

Date of Request: April 23, 2024

Initiated By: Francis Guzik

Department of Comm. Dev./Engineering

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Adoption of a resolution authorizing execution of an Easement Modification Agreement with the owners of Block 24.21, Lot 20 to permit the construction of a fence in the drainage easement, located in the rear yard of their property (12 Highpoint Pl).

Marc and Shari Robbins

**SOURCE OF FUNDING: N/A**

**CONTRACT AMOUNT: N/A**

**CONTRACT LENGTH: N/A**

**OTHER SUPPORTING INFORMATION ATTACHED**

Resolution

Map

Easement Modification Agreement

Letter of Request

**COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW**

Francis Guzik 4/26/24  
Department/Division Head Date

APPROVED FOR AGENDA OF: May 13, 2024

By: Marlena Q Schmid 05/07/2024  
Marlena Schmid, Business Administrator

MEETING DATE: 5/13/24 Ordinance # \_\_\_\_\_ Resolution # 2024-R117

Council Action Taken:

RESOLUTION

WHEREAS, Marc and Shari Robbins, owners of property located at 12 Highpoint Place, West Windsor Township, New Jersey, also known as Block 24.21 Lot 20, in West Windsor, New Jersey 08550 has made a request for a waiver to permit the construction of a fence in the drainage easement located in the rear yard of their property; and

WHEREAS, the Township Engineer has reviewed and approved this request subject to compliance with the terms of the Easement Modification Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of The Township of West Windsor that the waiver requested by Marc and Shari Robbins be hereby granted subject to the acceptance of the recommendations of the Township Engineer and the execution of the annexed Easement Modification Agreement.

BE IT FURTHER RESOLVED the Mayor and Clerk are hereby authorized to execute said agreement in a form substantially similar to that attached hereto, which shall be filed in the Mercer County Clerk's Office by the Township Attorney.

Adopted: May 13, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of May 2024.

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Gay M. Huber  
Township Clerk  
West Windsor Township

**REQUEST FOR COUNCIL ACTION**

**Date of Request:** April 24, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Adoption of a Resolution granting an additional extension for the reservation of sewer capacity for the age-restricted residential project known as Senior Living at Bear Creek (PB19-13) located at Block 33, Lot 1.02. The project is estimated to generate approximately 32,270 gallons per day (gpd) total wastewater flow upon construction and occupation. Reservation of Township sewer capacity was granted on March 9, 2020, with 1-year extensions granted on May 9, 2022 and March 13, 2023, for the above-captioned project. Partner Engineering and Science, Inc. is requesting an additional extension of the Township's sewer reservation.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

**OTHER SUPPORTING INFORMATION ATTACHED:**

Resolution	Engineer's Memorandum
Request Letter	Resolution 2020-R077
Map	Resolution 2023-R065

**COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW**

\_\_\_\_\_  
Department/Division Head *Francis Guzik* 4/23/24 Date

**APPROVED FOR AGENDA OF:** May 13, 2024

By: *Marlena Schmid* 05/07  
2024/  
Marlena Schmid, Business Administrator

**MEETING DATE:** 5/13/24 **Ordinance #** \_\_\_\_\_ **Resolution #** 2024-R118

**Council Action Taken:**

RESOLUTION

WHEREAS, on March 9, 2020 West Windsor Township granted a reservation of sewer capacity in the public sewer system for the age-restricted project known as Senior Living at Bear Creek (PB19-13) located at Block 33, Lot 1.02; and

WHEREAS, upon request of Partner Engineering and Science, Inc., a consultant for the developer, the project was granted one-year extensions of reservation of sewer capacity on March 9, 2020 and March 13, 2023 for said project; and

WHEREAS, Partner Engineering and Science, Inc., has submitted a request for an additional extension for reservation of sewer capacity in the public sewer system for said project; and

WHEREAS, the Township Engineer has certified that there remains sufficient capacity in the existing downstream sanitary sewer system to accommodate the increase in average daily flow of 32,270 gallons of wastewater that is estimated to be generated by the proposed improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that an extension of the reservation of sewer capacity in the total amount of 32,270 gallons per day, is hereby granted for the age-restricted project known as Senior Living at Bear Creek (PB19-13) located at Block 33, Lot 1.02; and

BE IT FURTHER RESOLVED that this allocation of Township sewer capacity shall be in effect for a period of one (1) year.

Adopted: May 13, 2024

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 13<sup>th</sup> day of May 2024.

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Gay M. Huber  
Township Clerk  
Township of West Windsor

**REQUEST FOR COUNCIL ACTION**

Date of Request: April 25, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Adoption of a Resolution granting an extension for the reservation of sewer capacity for the age-restricted residential project the AvalonBay Princeton Junction Train Station Redevelopment Project (PB20-15) located at Block 6, Lots 8, 54, 55.01 and 76; redevelopment district RP-1. The project is estimated to generate approximately 183,126 gallons per day (gpd) total wastewater flow upon construction and occupation. This will be the first 1-year extension to be granted for the above-captioned project. Colliers Engineering and Design is requesting an additional extension of the Township’s sewer reservation, which will be filed with the State to extend the existing NJDEP Treatment Works Approval for the project.

SOURCE OF FUNDING: N/A

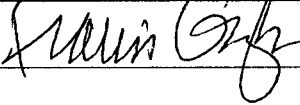
CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

**OTHER SUPPORTING INFORMATION ATTACHED:**

- |                |                       |
|----------------|-----------------------|
| Resolution     | Engineer’s Memorandum |
| Request Letter | Resolution 2021-R183a |
| Map            |                       |

**COMPLETE AND READY FOR ADMINISTRATOR’S REVIEW**

	4/25/24
Department/Division Head	Date

**APPROVED FOR AGENDA OF:** May 13, 2024

By: Marlena Schmid 05/07/2024  
Marlena Schmid, Business Administrator

**MEETING DATE:** 5/13/24 **Ordinance #** \_\_\_\_\_ **Resolution #** 2024-R119

**Council Action Taken:**



RESOLUTION

WHEREAS, on November 8, 2021 West Windsor Township granted a reservation of sewer capacity in the public sewer system for the AvalonBay Princeton Junction Train Station Redevelopment Project (PB20-15) located at Block 6, Lots 8, 54, 55.01 and 76 (redevelopment district RP-1); and

WHEREAS, upon request of Colliers Engineering and Design, consultant for the developer, has submitted a request for an extension for reservation of sewer capacity in the public sewer system for said project, along with endorsement of the application for an extension to the Treatment Works Approval granted for the project; and

WHEREAS, the Township Engineer has certified that there remains sufficient capacity in the existing downstream sanitary sewer system to accommodate the increase in average daily flow of 183,126 gallons of wastewater that is estimated to be generated by the proposed improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that an extension of the reservation of sewer capacity in the total amount of 183,126 gallons per day, is hereby granted for the AvalonBay Princeton Junction Train Station Redevelopment Project (PB20-15); and

BE IT FURTHER RESOLVED that this allocation of Township sewer capacity shall be in effect for a period of one (1) year; and

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to execute the endorsement of the New Jersey Department of Environmental Protection Treatment Works Approval Extension application, as required to implement this Resolution.

Adopted: May 13, 2024

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 13<sup>th</sup> day of May 2024.

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Gay M. Huber  
Township Clerk  
West Windsor Township

**REQUEST FOR COUNCIL ACTION**

Date of Request: April 25, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Adoption of a resolution authorizing execution of a professional services agreement with Arora and Associates, P.C. to provide professional engineering services related to Trolley Line Trails Pedestrian Crossings Project. The Township Engineer is recommending a contract be awarded to Arora and Associates, P.C.

**SOURCE OF FUNDING:**

Roadway Improvements 405-2020-14 013

**CONTRACT AMOUNT:** \$13,800.00

**CONTRACT LENGTH:** 60 days from initiation of work

**OTHER SUPPORTING INFORMATION ATTACHED:**

- |                                     |                             |                                   |
|-------------------------------------|-----------------------------|-----------------------------------|
| Resolution                          | Affirmative Action Contract | Proposal – Exhibit A              |
| Political Contribution Disclosure   | Certification of Funds      | Business Entity Disclosure        |
| Professional Services Agreement     | Stockholder Disclosure      | Engineers Memorandum              |
| Business Registration Certification | Affidavit of Compliance     | Certificate of Information Report |

**COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW**

Francis Guzik 4/25/24  
Department/Division Head Date

APPROVED FOR AGENDA OF: May 13, 2024

By: Marlena Schmid 05/07/2024  
Marlena Schmid, Business Administrator

MEETING DATE: 5/13/24 Ordinance # \_\_\_\_\_ Resolution # 2024-120

Council Action Taken:

## RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional engineering services and Arora and Associates, P.C. has submitted a proposal dated March 21, 2024 indicating they will provide professional engineering services to the Trolley Line Trails Pedestrian Crossings Project for \$13,800.00; and

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

Roadway Improvements	405-2020-14 013	\$13,800.00
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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 Arora and Associates, P.C., with a 60-day performance period from the date of project initiation, for an amount not to exceed \$13,800.00.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services pursuant to its proposal dated March 21, 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 Arora and Associates, P.C. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: May 13, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of May 2024.

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Gay M. Huber  
Township Clerk  
West Windsor Township

**REQUEST FOR COUNCIL ACTION**

**Date of Request:** April 23, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Adoption of a resolution authorizing Amendment No. 3 to the Professional Services Agreement with the Spiegle Architectural Group, Inc. to provide supplemental Professional Architectural Services associated with renovating and upgrading the Municipal Building. The Township Facilities Maintenance Manager is recommending a contract amendment be executed to the Spiegle Architectural Group, Inc. of Hamilton, NJ.

**SOURCE OF FUNDING:**

**Original Contract:**

<i>Municipal Complex Renovations</i>	<i>405-2017-21 006</i>	<i>\$8,500.00</i>
<i>Contract Amendment No. 1 Municipal Complex Renovations</i>	<i>405-2018-15 010</i>	<i>\$350,750.00</i>
<i>Contract Amendment No. 2 Municipal Complex Renovations</i>	<i>405-2018-15 010</i>	<i>\$7,900.00</i>
<u>Contract Amendment No. 3 Municipal Complex Renovations</u>	<u>405-2019-33 001</u>	<u>\$7,765.06</u>
Account Title	Account Number	Amount

**CONTRACT AMOUNT:**

<u>Original Contract Amount:</u>	<u>\$8,500.00</u>
<u>Contract Amendment No. 1:</u>	<u>\$350,750.00</u>
<u>Contract Amendment No. 2:</u>	<u>\$7,900.00</u>
<u>Contract Amendment No. 3:</u>	<u>+ \$7,765.06</u>
<u>Final Contract Amount:</u>	<u>\$374,915.06</u>

**CONTRACT LENGTH:**    N/A

**OTHER SUPPORTING INFORMATION ATTACHED:**

Resolution	Facilities Maintenance Managers Memorandum
Amendment to Agreement for Professional Services	Consultant Proposal – Exhibit A
Certification of Funds	Resolution 2019-R085
Resolution 2019-R200	Resolution 2020-R104

**COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW**

Brian Aronson      4-26-24  
Department/Division Head      Date

**APPROVED FOR AGENDA OF:** MAY 13, 2024

By: Marlene A. Schmid      05/07/2024  
Marlene Schmid, Business Administrator

**MEETING DATE:** 5/13/24      **Ordinance #** \_\_\_\_\_      **Resolution #** 2024-R121

**Council Action Taken:**

RESOLUTION

WHEREAS, On April 15, 2019, the Township Council passed Resolution 2019-R085 authorizing a Professional Services Agreement with the Spiezle Architectural Group, Inc. of Hamilton, NJ in the amount of \$8,500.00 for Professional Architectural Services associated with the initial review and evaluation of the conceptual layout proposed for the Municipal Building; and

WHEREAS, On September 16, 2019, the Township Council passed Resolution 2019-R200 authorizing the first amendment to the Professional Services Agreement with the Spiezle Architectural Group, Inc. of Hamilton, NJ in the amount of \$350,750.00 for Professional Architectural Services associated with preparation of construction documents for the Municipal Building Renovations for a revised total amount of \$359,250.00; and

WHEREAS, On April 20, 2020, the Township Council passed Resolution 2020-R104 authorizing the second amendment to the Professional Services Agreement with the Spiezle Architectural Group, Inc. of Hamilton, NJ in the amount of \$7,900.00 for Supplemental Professional Architectural Services associated with the Municipal Building Renovations for a revised total amount of \$367,150.00; and

WHEREAS, the Spiezle Architectural Group has submitted a proposal dated April 17, 2024 in the amount of \$7,765.06 for supplemental Professional Architectural Services associated with the Municipal Building Renovations for a revised total amount of \$374,915.06; and

WHEREAS, the Township wishes to amend the Professional Services Agreement with the Spiezle Architectural Group, Inc. to incorporate the aforesaid Professional Architectural Services; and

WHEREAS, the total revised contract for the Spiezle Architectural Group, Inc. for this project will not exceed \$374,915.06; and

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

Municipal Complex Renovations      405-2019-33 001      \$7,765.06

WHEREAS, services to be performed may be retained by the Township without public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because the aforesaid services are professional in nature; and

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

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township an Amended Professional Services Agreement with the Spiezle Architectural Group, Inc., for the performance of services in an amount not to exceed \$374,915.06.

- (2) The Agreement so authorized shall require the Provider to provide Professional Architectural Services pursuant to its proposal dated April 17, 2024. A contract amendment may be executed without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Amended Professional Services Agreement between the Township and the Spiezle Architectural Group, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: May 13, 2024

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of May 2024.

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Gay M. Huber  
Township Clerk  
West Windsor Township

ORDINANCE 2024-11

AN ORDINANCE AMENDING AND SUPPLEMENTING PART II "GENERAL LEGISLATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) CHAPTER 4; "ADMINISTRATION OF GOVERNMENT" SECTION 4-37E "POLICE DIVISION" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, it is recommended by the New Jersey Attorney General that all municipalities in New Jersey have certain ordinances in effect regarding Police Division structure; and

WHEREAS, it is prudent that the Township's ordinance regarding the structure of the Police Division be current and appropriate.

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

4-37 Police Division

- A. The Police Division of the Township is hereby established with such number of subordinate police officers and sworn police positions as designated by the Mayor and authorized by the Council. The Police Division shall be headed by a Chief of Police or ranking sworn officer, who shall be appointed by the Director of Public Safety and whose duties and responsibilities shall be those governed by law, Township Code, where applicable, and the rules and regulations of the West Windsor Police Division.
- B. Each regular police officer shall hold office and continue in said employment during good behavior and efficiency after having properly completed a one-year probationary period, pursuant to law, and no police officer shall be removed from office or employment for any causes other than incapacity, misconduct, neglect of duty, conduct unbecoming a police officer or disobedience of the rules and regulations established and hereafter established for the Division or absence from duty without just cause.
- C. Any permanent member of the Police Division may be suspended, removed/discharged, fined or reduced in rank from or in office for just cause upon due notice and written charges filed with the Director of Public Safety or designee and served upon the member so charged with notice of a hearing thereon. The Director of Public Safety or designee shall have the power to suspend without pay the member so charged, pending determination of such charges. The hearing shall be held not less than 10 nor more than 30 days from the date of service of the complaint. Said hearing shall take place pursuant to the rules and regulations of the Police Division.
- D. The Mayor of the Township shall serve as Public Safety Director and as the appropriate authority responsible for adopting and promulgating the rules and regulations of the Police Division.
- E. The Police Division shall consist of no more than one Chief of Police, four Lieutenants, 11 Sergeants, [34] 36 patrol officers, and 10 special law enforcement officers Class III (SLEOIII).
- F. To maintain effective staffing levels within the Police Department, the Chief of Police, with written consent from the Director of Public Safety, may fill the position of a retiring officer on terminal leave with a police recruit who will concurrently enter the Police Academy. The police recruit shall be assigned to the Police Academy and shall not be included in the total Police Division count listed in Subsection E because they do not possess a New Jersey Police Training Commission Certification and therefore cannot function in the capacity of a sworn police officer. All employees of the Department shall be subject to the rules and regulations of the Department, but only sworn officers shall be considered as police officers.

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: May 13, 2024

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

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



**REQUEST FOR COUNCIL ACTION**

**Date of Request:** April 30, 2024

**Initiated By:** Francis Guzik, PE, CME **Division/Department:** Comm. Dev./Engineering

**ACTION REQUESTED/ EXECUTIVE SUMMARY:** An Ordinance to amend Chapter 168 of Township Code to add Title 39 enforcement action to the Princeton Junction Train Station Redevelopment project (PB20-15) per a request by the AvalonBay Communities, Inc., the Redeveloper.

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

**OTHER SUPPORTING INFORMATION ATTACHED**

Ordinance Request Letter  
Engineer's Memo Exhibit

**COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW**

Francis Guzik 4/30/24  
Department/Division Head Date

**APPROVED FOR AGENDA OF:** \_\_\_\_\_

By: Marleha Schmid 05/07/2024  
Marleha Schmid, Business Administrator

**MEETING DATE:** 5/13/24 **Ordinance #** 2024-12 **Resolution #** \_\_\_\_\_  
**Council Action Taken:**

ORDINANCE NO. 2024 - 12

AN ORDINANCE AMENDING AND SUPPLEMENTING PART II “GENERAL LEGISLATION” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) CHAPTER 168; “TRAFFIC AND PARKING” ARTICLE V “TRAFFIC AND PARKING REGULATIONS ON PRIVATE PROPERTY” SECTION 168-37C “CONTROL OF MOVEMENT AND PARKING ON PUBLIC AND PRIVATE PROPERTY” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR – W Squared

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

SECTION I.

CODE OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY

PART II: GENERAL LEGISLATION

CHAPTER 168: TRAFFIC AND PARKING

ARTICLE V: TRAFFIC AND PARKING REGULATIONS ON PRIVATE PROPERTY

Section 168-37: Control of movement and parking on public and private property,

C. Regulation for the movement and the parking of traffic on all other private property in accordance with the provisions of N.J.S.A. 39:5A-1, the regulations of Subtitle 1 of Title 39 are hereby made applicable to the properties listed.

(1) Schedule A, is amended to add the following underlined language:

<u>Property</u>	<u>Regulation</u>	<u>Movement</u>
<u>PJ Train Station Redevelopment “W Squared” (commercial and residential areas)</u>	<u>Parking in designated areas between the painted lines</u>  <u>STOP signs</u>  <u>No Parking Loading Zone</u>  <u>2-hour parking time limited on certain streets</u>  <u>One-Way street (Road D – “Avalon Square”)</u>  <u>Emergency and Service Vehicles Only (“Conway Lane” &amp; “Service Lane”)</u>	<u>As shown on sketch on file with Township Police Division</u>

SECTION II.

PART II: GENERAL LEGISLATION  
CHAPTER 168: TRAFFIC AND PARKING  
ARTICLE VII: Schedules

Section 168-81: Schedule XXVI: Handicapped Parking on All Other Private property, is amended to add the following underlined language:

Property	Number of Spaces	Location
<u>PJ Train Station</u>		
<u>Redevelopment</u>		
<u>“W Squared”</u>		
<u>Surface Parking</u>	<u>9</u>	<u>As per sketch on file in Police Division</u>
<u>West Garage</u>	<u>8</u>	
<u>East Garage</u>	<u>13</u>	

SECTION III.

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

SECTION IV.

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

ATTEST:

\_\_\_\_\_  
Hemant Marathe, Mayor  
West Windsor Township

\_\_\_\_\_  
Gay M. Huber, Clerk  
West Windsor Township


Introduction: May 13, 2024  
Public Hearing:  
Adoption:  
Mayor’s Approval:  
Effective Date:

# **TOWNSHIP OF WEST WINDSOR**

*Community Development Department  
Division of Engineering*

## **MEMORANDUM**

**TO:** Gay M. Huber  
Municipal Clerk

**FROM:** Francis A. Guzik, PE, CME   
Director of Community Development / Township Engineer

**DATE:** April 30, 2024

**SUBJECT:** Title 39 Enforcement Request  
**Princeton Junction Train Station Redevelopment – W Squared**  
AvalonBay Communities  
PB20-15

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AvalonBay Communities has requested the provisions of Title 39 be made applicable to the redevelopment project currently known as W Squared. The project was reviewed and approved by the Planning Board under project PB20-15, at which time the project's signage, striping, parking and circulation elements were reviewed and approved by the Board's Professional Traffic Engineer and Timothy M. Lynch, Chief of Fire & Emergency Services of the West Windsor Township Fire and Emergency Services Division. I have reviewed the proposed Exhibit to the Title 39 request (to be kept on file at the Township Police Division) and find it accurately depicts the requirements of the Planning Board approval as it applies to traffic operations on the private property. The Exhibit has also been reviewed with the Police Traffic Sergeant and approved.

Future provisions will be required pertaining to Vaughn Drive Extension if and when it is completed and proposed for dedication by the Developer as a public roadway.

This office has prepared a draft Ordinance for the traffic amendments to Township Code Chapter 168 "Traffic and Parking" for consideration by the Township Council.

Should you have any questions or comments, please do not hesitate to contact me.

FG

Enclosures

Cc: Marlena Schmid, Business Administrator  
Robert Garofalo, Police Chief  
Kevin Loretucci, Police Traffic Sergeant

PJRedev Title 39 memo 240430.doc

# BISGAIER HOFF

Attorneys At Law A Limited Liability Company

Richard J. Hoff, Jr.  
Member of the NJ & PA Bar  
E-mail: rhoff@bisgaierhoff.com  
Direct Dial : (856) 375-2803  
Main Phone : (856) 795-0150

April 23, 2024

**VIA CERTIFIED MAIL RRR and  
ORDINARY MAIL**

Gay Huber, R.M.C  
Township of West Windsor  
271 Clarksville Road  
West Windsor, NJ 08550

**Re: Request for Motor Vehicle and Traffic Regulation  
Princeton Junction Train Station Redevelopment – Block 6, Lots 8, 54, 55.01  
and 76 (the “Development”)**

Dear Ms. Huber:

Our office represents AvalonBay Communities, Inc. (“Developer”), with reference to the above captioned property. As the Township of West Windsor (“Township”) is aware, the above captioned Development is under construction. Per the applicable conditions of approval for the Development, please accept this letter as Developer’s request pursuant to N.J.S.A. 39-5A-1 that the provisions of Subtitle 1 of Section 39 of New Jersey’s Revised Statute be enforced by the Township as to all applicable roadways within the Development. The applicable roadways are as depicted on the “Title 39 Enforcement Plan,” dated 12/18/20 revised to 4/11/2022 and attached hereto as Exhibit “A.”

The name and address of the entity making the foregoing request is as follows:

AvalonBay Communities, Inc.  
105 Elm Street  
Westfield, New Jersey 07090

Should you have any further questions regarding the above, please do not hesitate to contact our office.

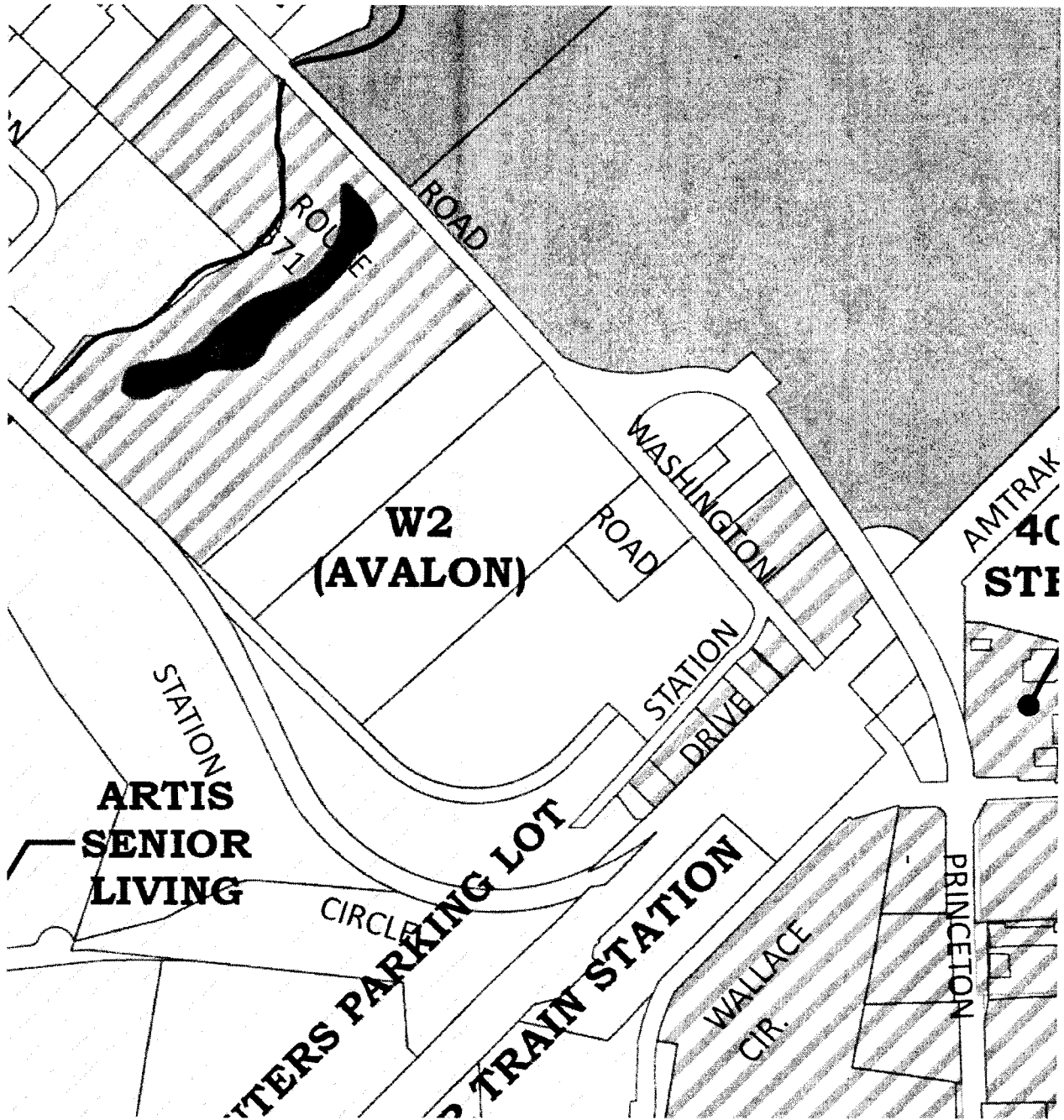
Very truly yours,

BISGAIER HOFF, LLC



Richard J. Hoff, Jr.

cc: Sam Surtees, Manager of Land Use (via email only w/encl.)  
Francis A. Guzik, PE (via email only w/encl.)  
Martina Baillie, Esq. (via email only w/encl.)  
AvalonBay Communities, Inc. (via email only w/encl.)



Location Map – Avalon Title 39 Request