

**MEETING TO BE BROADCAST ON COMCAST CHANNEL 27  
AND VERIZON CHANNELS 41 AND 42**

**AGENDA FOR THE REGULAR BUSINESS MEETING  
OF THE COUNCIL OF WEST WINDSOR TOWNSHIP  
271 CLARKSVILLE ROAD  
TO THE EXTENT KNOWN  
August 20, 2018**

The Business Session will begin promptly after the close of the adequately noticed Board of Health Meeting

1. Call to Order
2. Statement of Adequate Notice – January 5, 2018 to The Times and the Princeton Packet.
3. Salute to the Flag
4. Ceremonial Matters and/or Topic for Priority Consideration
5. Public Comment: (30 minutes comment period; 3-minute limit per person)
6. Administration Comments
7. Council Member Comments
8. Chair/Clerk Comments
9. Public Hearings

2018-21 CAPITAL IMPROVEMENT ORDINANCE  
PROVIDING FOR IMPROVEMENTS TO VILLAGE  
ROAD WEST, NEW VILLAGE ROAD, NORTH POST  
ROAD AND ADJOINING INTERSECTIONS AND  
OTHER RELATED EXPENSES IN OR FOR THE  
TOWNSHIP OF WEST WINDSOR, COUNTY OF  
MERCER, STATE OF NEW JERSEY  
APPROPRIATING THE AMOUNT OF \$473,049.07

2018-22 AMENDING AND SUPPLEMENTING CHAPTER 89  
“FIRE PREVENTION” OF THE CODE OF THE  
TOWNSHIP OF WEST WINDSOR

10. Consent Agenda

A. Resolutions

B. Minutes

C. Bills & Claims

11. Items Removed from Consent Agenda

12. Recommendations from Administration and Council/Clerk

2018-R189 Authorizing the Mayor and Clerk to Execute the Agreement for Reimbursement to the Elements at West Windsor Homeowners Association for 2016 and 2017 Snow Removal

2018-R190 Authorizing the Unexpended and Dedicated Balances of General Capital Appropriations to be Cancelled - \$19,650.78

2018-R191 Authorizing the Combination of Certain Issues of General Improvement Bonds, Series 2018 of the Township of West Windsor, In the County of Mercer, New Jersey Into a Single Issue of Bonds Aggregating \$10,500,000 in Principal Amount

2018-R192 Determining the Form and Other Details of \$10,500,000 General Improvement Bonds, Series 2018 of the Township of West Windsor, In The County of Mercer, New Jersey and Providing for Their Sale

- 2018-R193 Authorizing the Business Administrator to Execute a Purchase Order for NetQ Multimedia Company to Provide an Uninterruptible Power Supply and Communication Wiring Services Under New Jersey State Contract #88739 and T1778 - \$41,492.00
- 2018-R194 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers for Remedial Action Work Plan at the Former West Windsor Township Landfill/Compost Facility - \$57,858.80
- 2018-R195 Authorizing the Chief Financial Officer to Increase the Professional Services Agreement with ACT Engineers for Miscellaneous Engineering Services By \$3,300.00 for a Total Not To Exceed Amount of \$6,300.00
- 2018-R196 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with BANC3 Engineering for Construction Administration and Observation Services for the Project Known as Alexander Road Reconstruction Project-Phase 3 - \$17,440.00
- 2018-R197 Authorizing the Business Administrator to Purchase One Kubota Zero Turn Mower from Cherry Valley Tractor Sales Through the Middlesex Regional Services Commission (65MCESCCPS) ESCNJ 15/16-08 - \$14,295.26
- 2018-R198 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Frenkel Benefits as Health Insurance Benefits Consultant - \$30,000.00

13. Introduction of Ordinances

2018-23 AN ORDINANCE AMENDING AND SUPPLEMENTING PART II “GENERAL LEGISLATION” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) SECTION 4-37 “POLICE DIVISION” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

PUBLIC HEARING: September 4, 2018

2018-24 AN ORDINANCE TO AMEND THE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THERE OF – SPECIAL LAW ENFORCEMENT OFFICER III

PUBLIC HEARING: September 4, 2018

2018-25 AN ORDINANCE TO AMEND THE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THERE OF – FIRE PROTECTION INSPECTOR

PUBLIC HEARING: September 4, 2018

14. Additional Public Comment (three-minute limit per person)
15. Council Reports/Discussion/New Business
16. Administration Updates
17. Closed Session (Room C if needed)
18. Adjournment

Minutes Distribution: July 9, 2018 Business Session; July 30, 2018 Closed Session

TOWNSHIP OF WEST WINDSOR

CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR IMPROVEMENTS TO VILLAGE ROAD WEST, NEW VILLAGE ROAD, NORTH POST ROAD AND ADJOINING INTERSECTIONS AND OTHER RELATED EXPENSES IN OR FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$473,049.07

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. The improvement described in Section 2 of this Capital Improvement Ordinance is hereby authorized to be undertaken by the Township of West Windsor, New Jersey as General Improvements. For the improvement described in Section 2 there is hereby appropriated the sum of \$473,049.07.

SECTION 2. The description of the improvement required is as follows:

GENERAL IMPROVEMENT APPROPRIATIONS

|   |               |
|---|---------------|
| Improvements to Village Road West, New Village Road, North Post Road and adjoining intersections and Other Related Expenses | \$ 473,049.07 |
| TOTAL   | \$ 473,049.07 |

SECTION 3. The improvement described in Section 2 of this Capital Improvement Ordinance is financed from funds already received by the Township of West Windsor which are presently being held in the following account:

|  |               |
|--|---------------|
| Off-Tract Road Assessment Trust Fund Account | \$ 473,049.07 |
| TOTAL  | \$ 473,049.07 |

SECTION 4. This Ordinance shall take effect twenty (20) days after action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable. Publication shall be in accordance to law.

INTRODUCTION: July 30, 2018  
PUBLIC HEARING: August 20, 2018  
ADOPTION:  
MAYOR APPROVAL:  
EFFECTIVE DATE:

ORDINANCE SUMMARY

2018 – Capital Improvement Ordinance authorizing Improvements to Village Road West, New Village Road, North Post Road and adjoining intersections and other related expenses in the amount of \$473,049.07.

|   |               |
|---|---------------|
| Improvements to Village Road West, New Village Road, North Post Road and adjoining intersections and Other Related Expenses | \$ 473,049.07 |
| TOTAL   | \$ 473,049.07 |

This project is being funded in full by monies available in the Off-Tract Road Assessment Trust Fund Account.

The public hearing on this ordinance will be held at the Township Council meeting of August 20, 2018. Prior to the public hearing date you may obtain a complete copy of this ordinance free of charge by calling the Township Clerk's Office at West Windsor Township (609-799-2400) or coming to the Clerk's Office at the West Windsor Township Municipal Building.

Gay M. Huber  
Township Clerk  
West Windsor Township

ORDINANCE 2018-22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 89 FIRE PREVENTION OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

Whereas, the Township of West Windsor has adopted Chapter 89 of the Code of the Township of West Windsor (“Code”) establishing Fire Prevention; and

WHEREAS, the New Jersey Division of Fire Safety conducted an audit of the Local Enforcement Agency (LEA) which in West Windsor in the Division of Fire and Emergency Services and they identified changes necessary to the current Code; and

WHEREAS, the Manager of Fire and Emergency Services is requested these changes be implemented.

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 changes be made to Chapter 89, Fire Prevention:

Chapter 89  
**Fire Prevention**

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**§ 89-1 Local enforcement.**  
**[Amended 4-17-1989 by Ord. No. 89-19]**

Pursuant to Section 2 of the Uniform Fire Safety Act (P.L. 1983, c. 383; N.J.S.A. 52:27D-192 through 52:27D-213), the New Jersey Uniform Fire Code shall be locally enforced in the Township of West Windsor.

**§ 89-2 Agency designation.**  
The local enforcing agency shall be the West Windsor Township Fire Marshal's office.

**§ 89-3 Additional regulations.**  
In addition to the inspections and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the Fire Marshal's office may require additional fire safety inspections, fire safety measures and fire safety permits for other types of structures and/or operations as listed, but not limited to those listed in Chapter **82**, Fees, § **82-17**.

A. Registration and fees.

- (1) The owner(s) and or agent of all businesses, professions, occupancies, buildings, structures or premises regardless of use, except one-family and two-family dwellings, shall apply annually with the local enforcing agency for a certificate of approval, upon forms provided by the Fire Marshal's office. **[Amended 4-17-1989 by Ord. No. 89-19]**

- (2) It shall be a violation of this code for an owner to fail to return such forms and fees within 30 days. If the ownership is transferred, whether by sale, assignment, gift, intestate succession, devise, reorganization, receivership, foreclosure or execution process, the new owner shall file with the Fire Marshal's office, within 30 days of the transfer, an application for a certificate of approval pursuant to this subsection.
  - (3) All applications shall be accompanied by fees as set forth in Chapter **82**, Fees, § **82-17**.
- B. Information requests. Requests for file information shall be accompanied by a research and copy fee as set forth in Chapter **82**, Fees, § **82-17**.
- C. Waivers. The following users shall be exempt from the local permit fees and registration fees; however, they shall be required to properly apply for such permits and registrations and comply with all other code requirements.
- (1) Volunteer fire companies.
  - (2) Volunteer first aid squads.
  - (3) Nonprofit civic groups when applying for use of an occasional waiver (once or twice a year.)
  - (4) Churches and other recognized religious organizations. (This shall apply to uses where the actual religious service takes place, uses for religious educational purposes or a use of an occasional nature.)
  - (5) Contractors and construction firms when the activity is part of work performed under a valid permit by the Building Department.
  - (6) Township of West Windsor.
  - (7) West Windsor - Plainsboro School District.
- D. Fire Marshal's office; standard details. The Fire Marshal's office shall issue standard details, as required, to aid in the enforcement of these regulations.

**§ 89-4 Technical amendments.**  
**[Amended 4-17-1989 by Ord. No. 89-19]**

The State Fire Prevention Code adopted by N.J.A.C. 5:[18] 70 shall be modified by the addition of the following article:



## Article [40] 100

### LOCAL PROVISIONS

#### Section [F-4000.0] F-10000.0 GENERAL

**[F-4000.1] F-10000.1 Scope:** This article shall apply to all buildings, structures or premises located within West Windsor Township other than owner-occupied one-family and two-family dwellings.

#### Section [F-4001.0] F-10001.0 PERMITS

**[F-4001.2] F-10001.2 Type I permits:** The following permits shall be classified as Type I permits. Fee shall be the same as Type I Uniform Fire Code.

**[F-4001.2.1] F-10001.2.1 Asphalt (tar) kettle:** No person, firm or corporation shall make use of or fire any asphalt (tar) kettle without first securing a permit from the Fire Official.

**[F-4001.2.2] F-10001.2.2 Training and education:** No person, firm or corporation engaged in the business of providing fire brigade or emergency response team training shall conduct such activities without first securing a permit from the Fire Marshal. Permits issued under this subsection shall be valid for all such work conducted within the jurisdiction. The holder of the permit shall furnish the Fire Marshal with a list of locations within the jurisdiction where the service is provided as well as a course outline of any training provided.

**[F-4001.2.3] F-10001.2.3 Liquefied petroleum gas or liquefied natural gas:** A permit shall be obtained from the Fire Marshal for the storage or use of liquefied petroleum gas or liquefied natural gas utilizing storage containers with an aggregate water capacity exceeding 100 gallons and less than 4,000 gallons.

**[F-4001.2.4] F-10001.2.4 Flammable or combustible liquids and hazardous materials:** A permit shall be obtained from the Fire Marshal to install, remove, repair or alter in any way, a stationary tank for the storage of flammable or combustible liquids or hazardous materials, or to modify or replace any line or dispensing device connected thereto if not required to obtain a permit for such activity under the Uniform Construction Code, N.J.A.C. 5:[18] 23.

**[F-4001.2.5] F-10001.2.5 Hazardous materials:** A permit shall be obtained by the Fire Marshal to store, handle or process hazardous materials or chemicals which, because of their toxicity, flammability, liability to explosion or decomposition, render firefighting abnormally dangerous or difficult. A permit shall also be obtained from the Fire Marshal to store, handle or process materials which are chemically unstable and which may spontaneously form explosive compounds, or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals or materials shall include but not be limited to such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials,

potentially explosive chemicals, toxic materials, poisonous gases, pesticides, insecticides and fertilizers.

Exception: Materials or processes covered by a life hazard use or permit under Uniform Fire Code Chapter 5:[18].70

**[F-4001.2.6] F-10001.2.6 Storage containers/storage trailers/storage units:** Each steel, aluminum, or other material container and/or trailer, with or without wheels, used for storage purposes, which has remained immobile for 30 days or longer must have a permit and meet the following conditions:

- (a) No storage unit shall be connected to or with any other structures, containers or trailers.
- (b) All storage units must be separated from all other structures, containers or trailers by a minimum of 10 feet.
- (c) No storage unit shall be closer than 10 feet of any lot line.
- (d) No storage unit will be connected by any means to any utility such as electric, water, sewer, gas, etc.
- (e) All applications for permit must be accompanied by a plot plan showing building locations, lot lines and locations of all storage units and all distances.
- (f) Storage units shall not be used to store any material which is subject to regulation by the New Jersey Uniform Construction Code.

**[F-4001.3] F-10001.3 Type 2 permits:** The following permits shall be classified as Type 2 permits. Fee shall be the same as Type 2 --Uniform Fire Code.

**[F-4001.3.1] F-10001.3.1 Process equipment:** A permit shall be obtained from the Fire Marshal's office to install, modify or alter process equipment not required to have a permit under the Uniform Construction Code, N.J.A.C. 5:[23] 70.

**[F-4001.3.2] F-10001.3.2 Public gatherings:** A permit shall be obtained from the Fire Marshal for the establishment, erection or operation of any fairs, carnivals, circuses or other public gatherings. Before a permit is issued the following conditions must be met:

- (a) Provide and maintain an access lane of at least 15 feet in width and capable of supporting fire and rescue apparatus and so arranged as to afford access to within 50 feet of all booths, tents, rides and other equipment, buildings or

structures used as part of or in conjunction with the above use.

- (b) At each location utilizing or producing electric current, a 10 lb. ABC type fire extinguisher shall be provided with proper inspection.
- (c) Each location utilizing any fuel producing a flame for heating or cooking shall be provided with a 10 lb. ABC type fire extinguisher with proper inspection.

**[F-4002.1] F-10002.1 General:** In addition to those required under N.J.A.C. 5:[18] 70, fire safety evacuation and emergency action plans shall be prepared as set forth in this section where required by sections [R-4002.1 - F-4002.1.5] F-10002.1 – F-4002.1.5.

**[F-4002.1.1] F-10002.1.1 Occupant loads of 50 or more:** All buildings with an occupant load greater than 50.

**[F-4002.1.2] F-10002.1.2 Use Group H:** All Use Group H buildings.

**[F-4002.1.3] F-10002.1.3 Use Group F:** All Use Group F buildings.

**[F-4002.1.4] F-10002.1.4 Use Group S:** All Use Group S buildings.

**[F-4002.1.5] F-10002.1.5 Use Group E:** All Use Group E buildings.

**[F-4002.2] F-10002.2 Approval, distribution:** The fire safety evacuation and emergency action plans shall be approved by the Fire Official and shall be distributed by the owner to all tenants and employees.

**[F-4002.3] F-10002.3 Evacuation plan:** The evacuation plan shall be conspicuously posted on every floor and in each tenant space for the occupant's use.

**[F-4002.4] F-10002.4 Maintenance:** The fire safety evacuation and emergency action plans shall be maintained to reflect changes in the use and physical arrangement of the building.

**[F-4002.5] F-10002.5 Training:** If an emergency action plan assigns employees with specific responsibilities in areas such as evacuation coordination, fire fighting or material leak and spill handling, the employer shall provide a minimum of annual training sessions to prepare the employee for such activities.

### **[F-4003.0] F-10003.0 FIRE ALARMS/REPORTING**

**[F-4003.1] F-10003.1 Fire alarms:** The Fire Marshal shall investigate, or cause to be investigated, the activation of any fire alarm, fire detector, or fire protection system occurring

within the jurisdiction to determine the cause for such activation and to determine if the device and/or equipment has been properly restored to full service.

**[F-4003.2] F-10003.2 Failure to report:** It shall be a violation of this code for any person or persons, having knowledge of same, to fail to report to the fire department and/or the Fire Marshal the activation of any fire protection system or device; or to fail to report the occurrence of any fire or attempted arson; or to fail to report the spill or leakage of any flammable or combustible liquid or gas or of any hazardous material immediately upon gaining such knowledge.

#### **[F-4004.0] F-10004.0 WATER SUPPLIES**

**[F-4004.1] F-10004.1 Public water supply:** The Fire Marshal shall recommend to the Township Administrator the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the Fire Marshal.

**[F-4004.2] F-10004.2 Fire hydrant local standard:** Following are the minimum standards for the installation and placement of public or private fire hydrants:

- (a) Hydrants in single-family residential zones shall be spaced with a hydrant every 800 feet along the roadway(s) measured along the roadway edge.
- (b) Hydrants in residential townhouse, condominium, cluster and multi family zones shall be spaced with a hydrant every 600 feet along the roadway edge.
- (c) Hydrants in business, commercial and industrial zones shall be spaced with a hydrant at each intersection and one every 500 feet along the roadway(s) as a minimum requirement.

**[F-4004.3] F-10004.3 Approval:** The Fire Marshal shall approve the placement and water supply piping of all fire hydrants prior to installation.

**[F-4004.4] F-10004.4 Fire hydrant marking:** All fire hydrants on public or private property shall have the bonnet (top piece) painted reflective white. Painting shall conform to Fire Marshal's Office, Standard Detail - Fire Hydrant Marking.

#### **[F-4005.0] F-10005.0 GENERAL PRECAUTIONS**

**[F-4005.1] F-10005.1 Equipment rooms:** No storage of any kind shall be permitted within any mechanical equipment, electrical, furnace or boiler room.

**[F-4005.2] F-10005.2 Barbecue grills:** No charcoal cooker, brazier, hibachi or grill, or any

gasoline or other flammable liquid or liquefied petroleum gas-fired stove or similar device shall be ignited or used on the balconies of any apartment building, condominium, townhouse, or similar occupancy. The management of such occupancies which have balconies shall notify their tenants in writing of this Code requirement at the time the tenant/owner initially occupies and from time to time thereafter as directed by the Fire Official to insure compliance.

Exception: One family and two family dwellings.

**[F-4005.3] F-10005.3 Access:** Temporary all-weather surface access roads, gravel or equivalent, capable of supporting a 30-ton emergency vehicle, shall be provided at all times for fire department vehicular access to all structures under construction and to all structures used for the storage of combustible construction materials. Access of 125 unobstructed feet shall be provided to all such locations at all times.

Temporary all-weather access roads shall conform with the Fire Marshal's Office, Standard Detail - Temporary All-Weather Surface Access Roads.

Every dead-end roadway more than 300 feet in length shall be provided at the closed end with a temporary turnaround acceptable to the Fire Marshal.

Temporary all-weather surface access roads shall be approved by the Fire Marshal's office prior to construction commencing.

**[F-4005.4] F-10005.4 Water supply:** The fire protection water supply system, including fire hydrants shown on the approved site plan, shall be installed and in service prior to placing combustible building materials on the project site or utilizing them in the construction of building structures. If phased construction is approved, coordinated phased installation of the fire protection water system shall be permitted as approved by the Fire Marshal.

**[F-4005.5] F-10005.5 Emergency vehicle access:** All structures, except one- and two-family dwellings, shall be provided with emergency vehicle access. Emergency Vehicle Access is defined as: A paved or other surface 24 feet in width in its entire length, located not more than 30 feet from the building, designed to support the weight of Emergency Vehicles. The design shall be approved by the Township Engineer in conjunction with the Township Fire Marshal.

Emergency Vehicle Access shall be provided for the following buildings:

- (a) One or two story buildings with full automatic fire sprinkler protection shall be provided with emergency vehicle access to 25% percent of its entire perimeter.
- (b) One or two story buildings without full automatic fire sprinkler systems shall be provided with emergency vehicle access to 50% of its entire perimeter.

- (c) Buildings three stories or 35 feet in height or higher with full automatic fire sprinkler protection shall be provided with emergency vehicle access to 50% of its entire perimeter.
- (d) Buildings three stories or 35 feet in height or higher without full automatic fire sprinkler protection shall be provided with emergency vehicle access around the entire perimeter.
- (e) All High-Hazard Structures as defined by the New Jersey Uniform Commercial Code regardless of built-in fire protection or height shall be provided with emergency access around the entire perimeter.
- (f) All mercantile structures as defined by the New Jersey Uniform Construction Code with three or more spaces, regardless of built-in fire protection or height shall be provided with Emergency Vehicle access its entire perimeter.

**[F-4005.6] F-10005.6 Exterior door identification:** All exterior doors without windows located on building or structures as identified in the New Jersey Uniform Construction Code as use groups A, B, E, F, H, L, M, R-1, R-2 and U shall identify the owner of said door together with the use of said door (i.e. employee entrance, sprinkler room, electrical room, etc.). Identification shall be located in letters and/or numbers a minimum of 1 1/2 inches in height located between 60 and 72 inches from the base of the door. Identification shall be in contrasting color to the door.

### **F-10006 FIREWORKS**

**F-10006.1 In addition to the requirements of the State Fire Prevention Code adopted by N.J.A.C. 5:70 Chapter 3 is hereby modified to require all that fireworks displays must commence by 9:30 PM and conclude no later than 10:00pm.**

**F-10006.2 Failure to comply with the conditions found in F-10006.1 as well as all other conditions of the issued fire safety permit will subject the event organized and fireworks display contractor to monetary penalties as well as cancellation of the fireworks display.**

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

**AN ORDINANCE AMENDING AND SUPPLEMENTING PART II “GENERAL LEGISLATION” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) SECTION 4-37 “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 Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that the following amendment be made to the Code Book:

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, eight sergeants thirty-five Patrol Officers and ten Special Law Enforcement Officers Class III (SLEOIII) pursuant to N.J.S.A. 40A: 14-146.10 et. seq.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYORS APPROVAL:

EFFECTIVE DATE:

Explanation – Matter enclosed in bold-faced brackets **[thus]** in the above ordinance is not enacted and is intended to be omitted in the ordinance. Matter underlined thus is new matter.



ORDINANCE 2018-24

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR

AN ORDINANCE TO AMEND THE SALARY AND WAGE PLAN FOR THE TOWNSHIP  
OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THERE OF –  
SPECIAL LAW ENFORCEMENT OFFICER III

Section 1. BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY that the salary and  
wage plan for employees and officers of the Township is as follows:

F. ANNUAL SALARIES AND WAGES FOR POLICE OFFICERS:

SCHEDULE D

Special Law Enforcement Officer III           \$30.00 per hour

Section 2. 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: August 20, 2018

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

ORDINANCE 2018-25

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR

AN ORDINANCE TO AMEND THE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THERE OF – FIRE PROTECTION INSPECTOR

Section 1. BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY that the salary and wage plan for employees and officers of the Township is as follows:

A. JOB CLASSIFICATIONS AND SALARY RANGES FOR EMPLOYEES whose positions are Non-Supervisory White and Blue Collar Workers shall be as noted below:

|                                  |                                 |
|----------------------------------|---------------------------------|
| <u>JOB CLASS 12</u>              | <b><u>\$64,905-\$89,085</u></b> |
| Building Inspector               |                                 |
| Electrical Inspector             |                                 |
| Plumbing Inspector               |                                 |
| Landscape Architect              |                                 |
| Network & Systems Engineer       |                                 |
| <u>Fire Protection Inspector</u> |                                 |

Section 2. 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:  
PUBLIC HEARING:  
ADOPTION:  
MAYOR APPROVAL:  
EFFECTIVE DATE:

RESOLUTION

WHEREAS, C.299 of P.L. 1989 (NJSA 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, Elements at West Windsor Homeowners Association qualifies as such community; and

WHEREAS, the Township of West Windsor has agreed to reimburse the above mentioned Homeowners Association for snow removal costs and refuse and recycling costs for 2016 and 2017;

WHEREAS, funds are available as evidenced by the Chief Financial Officer’s certification of funds in the following accouts:

|   |        |                    |
|---|--------|--------------------|
| Elements at West Windsor Homeowners Association |        |                    |
| Snow Trust - 2016                               | 121407 | \$ 2,176.99        |
| Snow Trust - 2017                               | 121407 | <u>\$ 2,894.07</u> |
| Total   |        | <u>\$ 5,071.06</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 the agreement with this Association to reimburse them for certain snow removal and refuse and recycling costs pursuant of NJSA 40:67-23.2 ET. Seq. in the following amounts.

|   |  |                    |
|---|--|--------------------|
| Elements at West Windsor Homeowners Association |  |                    |
| Snow Removal (2016)                             |  | \$ 2,176.99        |
| Snow Removal (2017)                             |  | <u>\$ 2,894.07</u> |
| Total   |  | <u>\$ 5,071.06</u> |

Adopted: August 20, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 20th day of August, 2018.

---

Gay M. Huber  
 Township Clerk  
 West Windsor Township

## RESOLUTION

WHEREAS, certain General Capital Appropriation balances remain dedicated to projects now completed, and

WHEREAS, it is the desire of the governing body to cancel certain unused debt authorizations; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be canceled.

NOW, THEREFORE BE IT RESOLVED by the Township Council of West Windsor that the following unexpended General Capital Appropriations totaling \$19,650.78 be cancelled:

| <u>Ordinance #</u> | <u>Date Authorized</u> | <u>Project Description</u>           | <u>Reserve to Pay Debt</u> |
|--------------------|------------------------|--------------------------------------|----------------------------|
|                    | <u>Service</u>         |                                      |                            |
| 2001-25            | 12/17/01               | Community Development Projects       | \$ 6,193.13                |
| 2013-09            | 05/13/13               | Public Works – Acq. Of Vehicles      | \$12,405.70                |
| 2015-06            | 07/13/15               | Emergency Services Acq. Of Equipment | \$ 1,051.95                |
|                    |                        | TOTAL                                | \$19,650.78                |

Adopted: August 20, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20<sup>th</sup> day August of 2018.

---

Gay M. Huber  
Township Clerk  
West Windsor Township

EXTRACTED from the minutes of a regular meeting of the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey held at the Municipal Building, 271 Clarksville Road, West Windsor, New Jersey on August 20, 2018.

PRESENT:

ABSENT:

\*\*\*\*\*

\_\_\_\_\_ introduced and moved the adoption of the following resolution, and \_\_\_\_\_ seconded the motion:

2018-R191

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS, SERIES 2018 OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$10,500,000 IN PRINCIPAL AMOUNT.**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of West Windsor, in the County of Mercer, New Jersey (the "Township") authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$10,500,000.

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

| <b>Principal Amount of Bonds</b> | <b>Bond Ordinance Number</b> | <b>Description of Improvement and Date of Adoption of Bond Ordinance</b> | <b>Useful Life</b> |
|----------------------------------|------------------------------|--|--------------------|
| \$ 170,200                       | #2008-26                     | Various sewer improvements, finally adopted September 6, 2008.           | 40.00 years        |
| \$ 48,000                        | #2011-14                     | Various capital improvements, finally adopted August 1, 2011.            | 13.35 years        |
| \$ 43,200                        | #2012-08                     | Various capital improvements, finally adopted June 11, 2012.             | 13.17 years        |
| \$ 43,200                        | #2013-09                     | Various capital improvements, finally adopted May 13, 2013.              | 11.14 years        |
| \$ 24,000                        | #2014-13                     | Various capital improvements, finally adopted August 4, 2014.            | 11.92 years        |
| \$ 70,200                        | #2016-09                     | Various capital improvements, finally adopted June 13, 2016.             | 15.95 years        |
| \$5,337,000                      | #2017-21                     | Various capital improvements, finally adopted June 12, 2017.             | 14.11 years        |
| \$4,764,200                      | #2018-15                     | Various capital improvements, finally adopted June 11, 2018.             | 13.73 years        |

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 14.34 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds, Series 2018" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES:

NAYS:

Adopted:

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20<sup>th</sup> day of August 2018.

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Gay M. Huber  
Township Clerk  
West Windsor Township

CERTIFICATE

I, Gay M. Huber, Clerk of the Township of West Windsor, in the County of Mercer, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on August 20, 2018 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal  
of the Township this \_\_\_\_\_ day of August, 2018.

---

Gay M. Huber, Clerk

[SEAL]



EXTRACT from the minutes of a regular meeting of the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey held at 271 Clarksville Road, West Windsor, New Jersey on August 20, 2018.

PRESENT:

ABSENT:

\*\*\*\*\*

\_\_\_\_\_ introduced and moved the adoption of the following resolution and \_\_\_\_\_ seconded the motion:

2018-R192

**RESOLUTION DETERMINING THE FORM AND OTHER  
DETAILS OF \$10,500,000 GENERAL IMPROVEMENT BONDS,  
SERIES 2018 OF THE TOWNSHIP OF WEST WINDSOR, IN  
THE COUNTY OF MERCER, NEW JERSEY AND PROVIDING  
FOR THEIR SALE.**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:

Section 1. (a) The \$10,500,000 General Improvement Bonds, Series 2018 of the Township of West Windsor, in the County of Mercer, New Jersey (the "Township"), referred to and described in a resolution of the Township adopted on August 20, 2018, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds, Series 2018 of the Township of West Windsor, in the County of Mercer, New Jersey Into a Single Issue of Bonds Aggregating \$10,500,000 in Principal Amount" and in the bond

ordinances referred to therein, each in all respects duly approved and published as required by law, shall be issued as "General Improvement Bonds, Series 2018" (the "Bonds").

(b) The Bonds shall mature in the principal amounts on October 1 as follows:

| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2019        | \$ 500,000              | 2025        | \$1,000,000             |
| 2020        | \$1,000,000             | 2026        | \$1,000,000             |
| 2021        | \$1,000,000             | 2027        | \$1,000,000             |
| 2022        | \$1,000,000             | 2028        | \$1,000,000             |
| 2023        | \$1,000,000             | 2029        | \$1,000,000             |
| 2024        | \$1,000,000             |             |                         |

(c) The actual principal amounts may be adjusted by the Township, at its option, in accordance with N.J.S.A. 40A:2-26(g). Any such adjustment shall not exceed 10% of the principal for any maturity with the aggregate adjustment to maturity not to exceed 10% of the principal amount of the overall issue.

(d) The Bonds shall be subject to redemption prior to their stated maturity in accordance with the Notice of Sale attached hereto as Exhibit A.

(e) The Bonds shall be eleven in number, with one certificate being issued for each year of maturity, and shall be numbered GI-1 to GI-11, inclusive.

(f) The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the first day of April and October in each year until maturity or earlier redemption, commencing on April 1, 2019, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale authorized herein.

(g) The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

Section 2. (a) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000, or any integral multiple in excess thereof through book-entries made on the books and the records of the Securities Depository and its participants.

(b) The principal of and the interest on the Bonds will be paid to the Securities Depository by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of each next preceding March 15 and September 15 (the "Record Dates" for the Bonds).

Section 3. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of the Securities Depository:

[Form of Bond begins on next page]

REGISTERED  
NUMBER GI- \_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF MERCER

TOWNSHIP OF WEST WINDSOR

GENERAL IMPROVEMENT BOND, SERIES 2018

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DATED DATE:

MATURITY DATE:

RATE OF INTEREST PER ANNUM:

INTEREST PAYMENT DATES:

INITIAL INTEREST PAYMENT DATE:

RECORD DATES:

CUSIP NUMBER:

TOWNSHIP OF WEST WINDSOR, a body politic and corporate of the State of New Jersey (the "Township"), hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER, or registered assigns, on the MATURITY DATE, upon presentation and surrender of this bond, the PRINCIPAL AMOUNT, and to pay interest on such sum from the DATED DATE until it matures at the RATE OF INTEREST PER ANNUM specified above semiannually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Principal of and interest due on this bond will be paid to the REGISTERED OWNER by the Township or its designated paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the RECORD DATES next preceding the respective INTEREST PAYMENT DATES (the "Record Dates"). The principal of and interest on this bond are payable in lawful money of the United States of America.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to October 1, 2025, are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after October 1, 2025 are redeemable at the option of the Township in whole or in part on any date on or after October 1, 2024 at 100% of the principal amount outstanding (the "Redemption Price") plus interest accrued to the date of redemption upon notice as required herein.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed Bond Registrar. Any failure of the securities depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township; the bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the redeemed bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.

So long as Cede & Co., as nominee of DTC, is the registered owner of the Bonds, the Township shall send redemption notices only to Cede & Co.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Township adopted on August 20, 2018, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds, Series 2018 of the Township of West Windsor, in the County of Mercer, New Jersey Into a Single Issue of Bonds Aggregating \$10,500,000 in Principal Amount" and the bond ordinances referred to therein, each in all respects duly approved and published as required by law.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.



successful bidder and to immediately return such good faith deposits, whether by wire or check, to the unsuccessful bidders.

Section 5. The Notice of Sale shall be substantially in the form attached hereto as Exhibit A with additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of the Securities Depository and MuniAuction. The Short Notice of Sale shall be substantially in the form attached hereto as Exhibit B with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of the Securities Depository and MuniAuction. The Summary Notice of Sale shall be substantially in the form attached hereto as Exhibit C with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of the Securities Depository and MuniAuction. The Township Clerk is hereby directed to arrange for the publication of the Short Notice of Sale authorized in Exhibit B in the form provided herein in The Princeton Packet or such other authorized newspaper of the Township and any actions taken by the Clerk prior to the date of adoption of this resolution in connection with the publication of the Short Notice of Sale are hereby ratified, confirmed and approved. McManimon, Scotland & Baumann, LLC, is hereby directed to arrange for the publication of the Summary Notice of Sale authorized in Exhibit C in the form provided herein in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York, such publications to be not less than seven days prior to the date of sale.

Section 6. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date.

Section 7. The law firm of McManimon, Scotland & Baumann, LLC is authorized to arrange for the printing of the Bonds and is authorized to arrange for the printing of the Official

Statement to be prepared by McManimon, Scotland & Baumann, LLC, Phoenix Advisors, LLC, and Township officials. The Mayor and the Chief Financial Officer are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds.

Section 8. The Township hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 9. (a) The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository, as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

(b) In the event that the Securities Depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor securities depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple in excess thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner



of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 10. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31 of the year in which the Bonds are issued, to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Data Port (the "MSRB"), annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (i) the Township and overlapping indebtedness including a schedule of outstanding debt issued by the Township, (ii) property valuation information, and (iii) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the MSRB;

(b) in a timely manner not in excess of ten business days after the occurrence of the event, to the MSRB notice of any of the following events with respect to the Bonds:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Bonds;
- (13) The consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(c) In a timely manner to the MSRB notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such Chief Financial Officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided

such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(f) In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this certificate, the Township shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 11. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES:

NAYES:

Adopted: August 20, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20<sup>th</sup> day of August 2018.

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Gay M. Huber  
Township Clerk  
West Windsor Township

CERTIFICATE

I, Gay M. Huber, Clerk of the Township of West Windsor, in the County of Mercer, State of New Jersey (the "Township"), HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on August 20, 2018 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this \_\_\_\_ day of August, 2018.

---

Gay M. Huber, Clerk

[SEAL]

**Exhibit A**

**(Full Notice of Sale to be Posted on MuniAuction)**

**NOTICE OF SALE**  
**\$10,500,000\***  
**GENERAL IMPROVEMENT BONDS, SERIES 2018**  
**OF THE TOWNSHIP OF WEST WINDSOR,**  
**IN THE COUNTY OF MERCER, NEW JERSEY**  
**(Book-Entry-Only Bonds)/(Callable)**

**SUMMARY**

ISSUER: Township of West Windsor, County of Mercer, New Jersey

PAR AMOUNT: \$10,500,000\*

SECURITY: General Obligations of the Township

TAX EXEMPT: Yes

RATING: S&P rating to be assigned.

TYPE OF SALE: Electronic Open Auction with Two Minute Rule (See Bidding Details Item (7) herein)

AGENT: MuniAuction. See "Bidding Details" herein.

SALE DATE & BID TIME: September 19, 2018 at 10:45 AM to 11:00 AM with Two Minute Rule applicable. Award by 2:00 PM

DATED DATE: Date of Delivery

DELIVERY DATE: October 4, 2018

INTEREST PAYMENT DATES: April 1 and October 1, commencing April 1, 2019

CALL DATE: October 1, 2024 @ par for Bonds maturing on or after October 1, 2025.

MINIMUM BID: \$10,500,000 (Par)

MAXIMUM BID: \$11,550,000 (Par plus 10% original issue premium)

BID SECURITY: **Good Faith Check or wire transfer in the amount of \$210,000 received by Township (prior to bidding) or Financial Surety Bond from Sure-Bid**

BASIS OF AWARD: True Interest Cost

LEGAL OPINION: McManimon, Scotland & Baumann, LLC, Roseland, New Jersey

OFFERING STATEMENT: Preliminary Official Statement available at [www.GrantStreet.com](http://www.GrantStreet.com)

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\*Preliminary, subject to change

## NOTICE

NOTICE IS HEREBY GIVEN that bids will be received by the Township of West Windsor, in the County of Mercer, New Jersey (the "Township") for the purchase of \$10,500,000\* original principal amount of the Township's General Improvement Bonds, Series 2018 (the "Bonds"). **All Bids (as defined below) must be submitted in their entirety on Grant Street Group's MuniAuction website ("MuniAuction") prior to 11:00 a.m., New Jersey time on September 19, 2018, unless otherwise extended by the two-minute rule described herein (see "Bidding Details"). The auction will begin at 10:45 a.m., New Jersey time on September 19, 2018 (the "Bid Date"). To bid via MuniAuction, Bidders (as defined below) must have both (1) completed the registration form on either MuniAuction or Grant Street Group website (parent of MuniAuction, herein referred to as "Grant Street") and (2) requested and received admission to the Township's auction, as described herein (see "Registration and Admission to Bid") and (3) submitted a good faith check or Financial Surety Bond, payable to the Township, in the amount of \$210,000 prior to the Bid Date (see Bidding Details below). The use of MuniAuction shall be at the Bidder's risk and expense, and the Township shall have no liability with respect thereto.**

### **Preliminary and Final Official Statement**

The Township's Preliminary Official Statement (the "POS"), dated on or about September 12, 2018, is available for viewing in electronic format on MuniAuction. The website located at [www.GrantStreet.com](http://www.GrantStreet.com). In addition, broker dealers registered with the National Association of Securities Dealers (the "NASD") and dealer banks with The Depository Trust Company ("DTC") clearing arrangements may either: (a) print out a copy of the POS on their own printer, or (b) at any time prior to the Sale Date, elect to receive a photocopy of the POS in the mail by requesting it by calling the Township's bond counsel, Matthew D. Jessup, Esq., of McManimon, Scotland & Baumann, LLC ("Bond Counsel"), 75 Livingston Avenue, Roseland, New Jersey 07068 (telephone no. 973-622-4850) or attention of Sandra S. Jessup, Paralegal (telephone no. 973-622-5258) or the Township's Municipal Advisor, Phoenix Advisors, LLC, (the "Municipal Advisor"), Sherry Tracey, 4 West Park Street, Bordentown, New Jersey 08505 (telephone no. 609-291-0130). All Bidders must review the POS and certify that they have done so prior to participating in the bidding.

The POS is deemed by the Township to be final as of its date, for purposes of SEC Rule 15c2-12(b)(1) under the Securities and Exchange Act of 1934, except for the omission of information concerning the offering price(s), interest rate(s), selling compensation, aggregate principal amount of the Bonds and any other terms or provisions to be determined from the successful Bid(s) or depending on such matters, and the identity of the underwriter(s). The POS is, however, subject to such further revisions, amendments and completion in a Final Official Statement (the "Final Official Statement") as may be necessary.

The Township at its expense, will make available to the winning Bidder a reasonable number of Final Official Statements, within seven (7) business days following the date of acceptance of the Bid.

---

\*Preliminary, subject to change

## Types of Bids Allowed

Subject to the Bid requirements described below, Bids for the Bonds must be submitted on an "All-or-None" ("AON") basis for the entire amount of \$10,500,000\*. There will be only one CUSIP assigned to each annual maturity of the issue. First, a Bidder must submit a conforming Bid for the entire issue, and if such Bid is accepted by the Township, the Bidder will be required to purchase the entire issue in accordance with such Bid.

## Interest Payment Dates; Description of the Bonds

The Bonds will be dated their date of delivery and will bear interest from such date payable semiannually on each April 1 and October 1, commencing on April 1, 2019. Interest shall be computed on the basis of a 30-day month/360-day year.

## Principal Amortization

The Bonds shall mature on October 1 as set forth in the following table:

| <u>Year</u> | <u>Principal Amount*</u> | <u>Year</u> | <u>Principal Amount*</u> |
|-------------|--------------------------|-------------|--------------------------|
| 2019        | \$ 500,000               | 2025        | \$1,000,000              |
| 2020        | \$1,000,000              | 2026        | \$1,000,000              |
| 2021        | \$1,000,000              | 2027        | \$1,000,000              |
| 2022        | \$1,000,000              | 2028        | \$1,000,000              |
| 2023        | \$1,000,000              | 2029        | \$1,000,000              |
| 2024        | \$1,000,000              |             |                          |

The Township may and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (i) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, will not exceed \$10,500,000. The dollar amount bid by the winning Bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted Bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the original Bid, and the Initial Public Offering Prices required to be delivered to the Township, as stated herein.

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\*Preliminary, subject to change



## **Book-Entry-Only**

The Bonds will be issued in book-entry-only form, initially in the name of Cede & Co., as nominee of DTC. Purchasers will not receive certificates representing their interests in the Bonds. Individual purchases will be in the principal amount of \$5,000, or any integral multiple in excess thereof. Payments of principal, interest and redemption premium, if any, will be made by the paying agent to DTC for subsequent disbursement to DTC participants to then be remitted to the beneficial owners of the Bonds.

## **Redemption Provisions**

The Bonds maturing prior to October 1, 2025, are not subject to redemption prior to their stated maturities. The Bonds maturing on or after October 1, 2025 are redeemable at the option of the Township in whole or in part on any date on or after October 1, 2024 at 100% of the principal amount outstanding (the "Redemption Price") plus interest accrued to the date of redemption upon notice as required herein.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed Bond Registrar. Any failure of the securities depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the Bonds prior to maturity, the Bonds to be redeemed shall be selected by the Township; the Bonds to be redeemed having the same maturity shall be selected by the securities depository in accordance with its regulations.

So long as Cede & Co., as nominee of DTC, is the registered owner of the Bonds, the Township shall send redemption notices only to Cede & Co.

If notice of redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the redeemed Bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the Bonds redeemed.

## **Registration and Admission to Bid**

To bid by MuniAuction, Bidders must first visit MuniAuction where, if they have never registered with either MuniAuction or Grant Street, they can register and then request admission to bid on the Bonds. Bidders will be notified prior to the scheduled bidding time of their eligibility to bid. Only NASD registered broker-dealers or dealer banks with DTC clearing arrangements will be eligible to bid. Bidders who have previously registered with MuniAuction may call MuniAuction at (412) 391-5555 (ext. 370 Auction Support) for their ID Number or password. Rules governing the sale and the rules applicable to MuniAuction are available in the full Notice of Sale at [www.GrantStreet.com](http://www.GrantStreet.com).

## **Bidding Details**

Bidders should be aware of the following bidding details associated with the sale of the Bonds:

- (1) **BIDDERS MUST SUBMIT A GOOD FAITH CHECK, WIRE TRANSFER OR A FINANCIAL SURETY BOND IN THE AMOUNT OF \$210,000 PAYABLE TO THE TOWNSHIP NO LATER THAN 10:30 A.M. ON THE SALE DATE. HOWEVER, BIDDERS ARE ENCOURAGED TO SUBMIT CHECKS OR WIRES ON THE DAY PRIOR TO THE SALE DATE TO ASSURE RECEIPT OF PAYMENT BY THE TOWNSHIP AT THE FOLLOWING ADDRESS:**

**Joanne Louth  
Chief Financial Officer  
Township of West Windsor  
271 Clarksville Road  
West Windsor, NJ 08550**

**BIDDERS SUBMITTING GOOD FAITH CHECKS SHOULD ALSO ENCLOSE A RETURN ENVELOPE FOR USE BY THE TOWNSHIP. BIDDERS SUBMITTING A WIRE SHOULD CONTACT THE TOWNSHIP'S MUNICIPAL ADVISOR, SHERRY TRACEY (TELEPHONE NO. 609-291-0130) TO OBTAIN THE WIRE INSTRUCTIONS.**

**UNSUCCESSFUL BIDDERS SUBMITTING THE GOOD FAITH DEPOSIT BY WIRE TRANSFER SHALL, NO LATER THAN THE CLOSE OF BUSINESS ON THE SALE DATE OF THE BONDS, PROVIDE THE CHIEF FINANCIAL OFFICER IN WRITING WITH WIRING INSTRUCTIONS FOR THE RETURN OF SUCH UNSUCCESSFUL BIDDER'S GOOD FAITH DEPOSIT. IN THE EVENT THAT THE TOWNSHIP FAILS TO RETURN ANY GOOD FAITH WIRES IN A TIMELY FASHION, THE TOWNSHIP SHALL NOT BE LIABLE FOR MONETARY DAMAGES, REMEDY BEING HEREBY SPECIFICALLY LIMITED TO SPECIFIC PERFORMANCE.**

- (2) All Bids must be submitted on the MuniAuction website at [www.GrantStreet.com](http://www.GrantStreet.com). **No telephone, telefax, telegraph or personal delivery Bids will be accepted.**
- (3) All Bids for the Bonds must be submitted on an AON basis. Bidders may change and submit Bids as provided for herein, but a submitted Bid may not be withdrawn.
- (4) Bidders may bid to purchase Bonds from the Township with a bid premium in an amount not in excess of ten percent (10%) of the par amount of the Bonds, representing a bid price of not in excess of \$11,550,000. No Bid will be considered if the Bid is to purchase Bonds at a price less than 100% of the principal amount thereof. The Township may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, as set forth in more detail under "Principal Amortization" above.
- (5) Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds and the rate or rates named must be multiples of 1/8 or 1/20 of 1%. The difference between the highest and lowest interest rates named in

the Bid shall not exceed three percent (3%) per annum. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. Each proposal submitted must state the purchase price, which must be not less than par. The Bonds will be awarded to the Bidder on whose Bid the total loan may be made at the lowest true interest cost ("TIC"). Such TIC shall be calculated as described below. No proposal shall be considered that offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at a TIC higher than the lowest TIC to the Township under any legally acceptable proposal. The purchaser must also pay an amount equal to the interest on the Bonds accrued to the date of payment of the purchase price, if applicable.

- (6) Bidders are only permitted to submit Bids for the Bonds during the bidding period.
- (7) If any Bid on the auction becomes a leading Bid two (2) minutes, or less, prior to the end of the auction, then the auction will be automatically extended by two (2) minutes from the time such Bid was received by MuniAuction. The auction end time will continue to be extended, indefinitely, until a single leading Bid remains the leading Bid for at least two (2) minutes.
- (8) Bidders may change and submit Bids as many times as they wish during the bidding time period; however, each and any Bid submitted subsequent to a Bidder's initial Bid must result in a lower True Interest Cost (as defined herein and referred to as "TIC") when compared to the immediately preceding Bid of such Bidder. In the event the revised Bid does not produce a lower NIC, the prior Bid will remain valid.
- (9) The last Bid submitted by a Bidder before the end of the bidding time period will be compared to all other final Bids submitted by others to determine the winning Bidder or Bidders.
- (10) During the bidding, no Bidder will see any other Bidder's Bid, but Bidders will be able to see the ranking of their Bid relative to other Bids (i.e., "Leader", "Cover", "3<sup>rd</sup>", etc.).

## Rules of MuniAuction

The rules of MuniAuction (the "Rules") can be viewed on MuniAuction and are incorporated herein by reference. Bidders must comply with the Rules in addition to the requirements of the Notice of Sale for the Township's Bonds dated the date hereof (the "Notice of Sale"). To the extent there is a conflict between the Rules and the Notice of Sale, the Notice of Sale shall control.

## Rules

- (1) A Bidder submitting a Winning Bid is irrevocably obligated to purchase the Bonds at the rates and prices of the Winning Bid, if acceptable to the Township, as set forth in the related Notice of Sale. **Winning Bids are not officially awarded to the Bidder until formally accepted by the Township.**

- (2) Neither the Township, Bond Counsel nor MuniAuction (the "Auction Administrator") is responsible for technical difficulties that result in loss of Bidder's internet connection with MuniAuction, slowness in transmission of Bids, or other technical problems.
- (3) If for any reason a Bidder is disconnected from MuniAuction's Auction Page during the auction after having submitted a Winning Bid, such Bid is valid and binding upon the Bidder, unless the Township exercises its right to reject Bids, as set forth herein.
- (4) Bids which generate error messages are not accepted until the error is corrected and the Bid is received prior to the deadline.
- (5) Bidders accept and agree to abide by all terms and conditions specified in the Notice of Sale (including amendments, if any) related to each auction.
- (6) Neither the Township, Bond Counsel nor the Auction Administrator is responsible to any Bidder for any defect or inaccuracy in the Notice of Sale, amendments, or POS as they appear on MuniAuction.
- (7) Only Bidders who request and received admission to an auction and who have submitted a Good Faith Deposit (as defined herein) as required by the terms of this Notice of Sale may submit Bids. Bond Counsel and the Auction Administrator reserve the right to deny access to MuniAuction to any Bidder, whether registered or not, at any time and for any reason whatsoever, in their sole and absolute discretion.
- (8) Neither the Township, Bond Counsel nor the Auction Administrator is responsible for protecting the confidentiality of a Bidder's MuniAuction password.
- (9) If two (2) Bids are submitted in the auction by the same or two or more different Bidders and result in same TIC, the first confirmed Bid received by MuniAuction prevails. Any change to a submitted Bid constitutes a new Bid, regardless of whether there is a corresponding change in TIC.
- (10) Bidders must compare their final Bids to those shown on the Observation Pages immediately after the bidding time period ends, and if they disagree with the final results shown on the Observation Pages they must report them to MuniAuction within fifteen (15) minutes after the bidding time period ends. Regardless of the final results reported by MuniAuction, bonds are definitively awarded to winning Bidders only upon official award by the Township. If, for any reason, the Township fails to: (i) award bonds to the winning Bidder reported by MuniAuction, or (ii) deliver bonds to the winning Bidders at settlement, neither Bond Counsel nor the Auction Administrator will be liable for damages.

## **Definitions**

"Bid" any confirmed purchase offer received by MuniAuction on or before the auction deadline.

|                            |   |
|----------------------------|---|
| "Bidder"                   | any firm registered with either MuniAuction or Grant Street and approved for participation in auctions.   |
| "True Interest Cost (TIC)" | true interest cost shall be computed in each instance by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the bonds and to the price bid, excluding interest accrued to the delivery date. The TIC serves as the basis for awarding bonds to the winning Bidder. |
| "Winning Bid"              | any purchase offer made by a Bidder by clicking the "Submit Bid" button and received by MuniAuction which, at the end of the bidding time period, results in the lowest TIC which is acceptable to the Township.  |

### **Bid Procedure and Basis of Award**

Subject to the right reserved by the Township to reject any or all Bids, the Bonds will be sold to the Bidder whose Bid produces the lowest TIC for the Township and otherwise complies with the Notice of Sale.

Bids must remain valid until at least 3:00 p.m., prevailing time, on the Sale Date, and if accepted by the Township, prior to such time, shall be irrevocable except as otherwise provided in the Notice of Sale. Upon selection of the winning Bidder, the Township will execute an award certificate to award the Bonds and will promptly communicate with the winning Bidder by telephone, e-mail or fax.

### **Bid Security and Method of Payment for Bonds**

A Good Faith Deposit ("Deposit") in the form of a certified or cashier's check, wire transfer (wiring instructions can be obtained from the Township's Bond Counsel or Municipal Advisor) or a Financial Surety Bond in the amount of \$210,000, payable to the order of the Township, is required for each Bid to be considered. If a check is used, it must be a certified treasurer's or cashier's check and must be provided to the Township prior to 10:30 a.m. on the Sale Date for bids to be submitted. If a wire transfer is used, such wire must be received by the Township prior to 10:30 a.m. on the Sale Date. Each bidder accepts responsibility for delivering such check or wire on time and the Township is not responsible for any check or wire that is not received on time. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services of New Jersey (the "Director") and such bond must be submitted to the Township prior to 10:30 a.m. on the Sale Date at the address referred to above. At present, the Director has approved the use of Sure-Bid, a division of Financial Security Assurance Inc. Use of any other Financial Surety Bond must be approved by the Director prior to the Bid and will not be accepted by the Township unless evidence of such approval is provided prior to the Bid. The Financial Surety Bond must identify the Bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to the winning Bidder utilizing a Financial Surety Bond, then that winning Bidder is required to submit its Deposit to the Township by wire transfer as instructed by the Township not later than 3:30 p.m. on the next business day following the Sale Date. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the Township to satisfy the Deposit requirement. No interest on the Deposit will accrue to the winning Bidder. The Deposit will be applied to the purchase price of the Bonds. In the event the winning Bidder fails to honor its accepted Bid, the

Deposit will be retained by the Township. Award of the Bonds to the winning Bidder or rejection of all Bids is expected to be made within two hours after opening of the bids, but such winning Bidder may not withdraw its proposal until after 3:00 p.m. on the Sale Date and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in Federal Funds by wire transfer to the Township on or about the delivery date.

### **Right to Reject Bids; Waive Irregularities**

The Township reserves the right to reject any and all Bids and to the extent permitted by law to waive any irregularity or informality in any Bid.

### **Information Required from the Winning Bidder**

By making a bid for the Bonds, the winning Bidder(s) agrees: (a) to provide to the Township, in writing, immediately upon being unofficially awarded the Bonds, a written confirmation of the Bid, which shall include the purchase price, reoffering yield(s), and other related information necessary for completion of the final Official Statement, the Municipal Advisor and by Bond Counsel; (b) to disseminate to all members of the underwriting syndicate copies of the Official Statement; (c) to promptly file a copy of the final Official Statement with the Municipal Securities Rulemaking Board; and (d) to take any and all other actions necessary to comply with applicable Securities and Exchange Commission and Municipal Securities Rulemaking Board rules governing the offering, sale and delivery of the Bonds to alternate purchasers.

### **Establishment of Issue Price for the Bonds**

In the event the Township receives at least three (3) bids for the Bonds, then the Issue Price for the Bonds shall be established based on the reasonably expected initial offering prices of the Bonds as of the Bid Date (the "Expected Offering Prices"). The Expected Offering Prices shall consist of the prices for each maturity of the Bonds used by the winning Bidder in formulating its bid to purchase the Bonds. The winning Bidder shall be required to deliver on the Delivery Date a certificate to such effect, and provide to the Township, in writing, the Expected Offering Prices as of the Bid Date.

In the event the Township receives fewer than three (3) bids for the Bonds, then the Issue Price for the Bonds shall be established based on the following method as selected by the winning Bidder on the Bid Date:

10% Sold: The Issue Price for the Bonds shall be established based on the first price at which at least 10% of each maturity of the Bonds was sold to the Public (as defined below). The winning Bidder shall be required to deliver on the Delivery Date a certificate to such effect, and provide to the Township, in writing, evidence satisfactory to Bond Counsel to the Township of such sales prices for each maturity of the Bonds. In the event that the winning Bidder has not sold at least 10% of each maturity of the Bonds to the Public as of the Delivery Date (each, an "Unsold Maturity"), the winning Bidder shall (i) provide to the Township, in writing, on the Delivery Date, the Expected Offering Prices for each Unsold Maturity and a certificate regarding same and (ii) have a continuing obligation to provide to the Township, in writing, evidence satisfactory to Bond Counsel to the Township of the first price at which at least 10% of each Unsold Maturity is sold to the Public, contemporaneous with each such sale, until at least 10% of all such Unsold Maturities have been sold to the Public.

**Hold The Price:** The Issue Price for the Bonds shall be established based on the initial offering price of the Bonds to the Public as of the Bid Date, provided that the winning Bidder shall, in writing, (i) confirm that the Underwriters have offered or will offer the Bonds to the public on or before the Bid Date at the offering price or prices set forth in the Bid submitted by the winning Bidder and (ii) agree, on behalf of the Underwriters participating in the purchase of the Bonds, that the Underwriters will neither offer nor sell the Bonds to any person at a price that is higher than the initial offering price to the Public during the period starting on the Bid Date and ending on the earlier of: (1) the close of the fifth (5<sup>th</sup>) business day after the Bid Date; or (2) the date on which the Underwriters have sold at least 10% of the Bonds to the Public at a price that is no higher than the initial offering price to the Public.

Public means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter (as defined herein) or a related party to an Underwriter. The term "related party" generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly. Underwriter means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

### **Delivery of the Bonds**

The Bonds will be delivered on or about the delivery date (UNLESS A NOTICE OF A CHANGE IN THE DELIVERY DATE IS PUBLISHED ON MUNIAUCTION NOT LATER THAN 2 HOURS PRIOR TO ANY ANNOUNCED DATE FOR RECEIPT OF BIDS) in New York City at DTC against payment of the purchase price therefor (less the amount of the good faith deposit) in federal funds.

There will also be furnished the usual closing papers, including (1) a certificate signed by the officials who signed the Bonds stating that no litigation of any kind is now pending or, to their knowledge, threatened to restrain or enjoin the issuance or delivery of the Bonds, or in any manner questioning the proceedings and authorization under which the Bonds are issued or affecting the validity of the Bonds and (2) a certificate signed by the Township relating to the official statement.

### **CUSIP Numbers**

The Municipal Advisor will apply for CUSIP numbers with respect to the Bonds, but neither Municipal Advisor or the Township will assume any obligation for the assignment or printing of such numbers on the Bonds or for the correctness of such numbers, and neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the winning Bidder to accept delivery of and make payment for the Bonds. The CUSIP Service Bureau charge for the assignment of the CUSIP numbers shall be the responsibility of and shall be paid for by the winning Bidder.

### **Legal Opinions**

The approving opinions of McManimon, Scotland & Baumann, LLC, Bond Counsel to the Township, will be furnished without cost to the winning Bidder.

## **Postponement**

The Township reserves the right to postpone, from time to time, the date and time established for receipt of Bids. **ANY SUCH POSTPONEMENT WILL BE PUBLISHED OR POSTED, BEFORE 10:00 A.M. ON THE SALE DATE.** If any date fixed for the receipt of Bids and the sale of the Bonds is postponed, an alternative sale date will be announced via MuniAuction at least forty-eight (48) hours prior to such alternative sale date. On any such alternative sale date, any Bidder may submit a Bid for the purchase of the Bonds in conformity in all respects with the provisions of the Notice of Sale, except for the date of sale and except for the changes announced on MuniAuction at the time the sale date and time are announced.

## **Additional Information**

For further information relating to the Bonds, reference is made to the POS prepared for and authorized by the Township. The Notice of Sale and the POS may be viewed on MuniAuction. However, the Township makes no assurance or representation with respect to the form of the Notice of Sale and the POS on MuniAuction, and no investment decision should be made in reliance thereon. Printed copies of the POS and the Notice of Sale may be obtained from the Bond Counsel at the address and phone number stated above. Additional information relating to the auction or a private bidding tutorial may be obtained by calling the Auction Administrator at (412) 391-5555 (ext. 370 Auction Support). Additional information relating to the financing of the Township can be obtained by contacting the undersigned Chief Financial Officer at (609) 799-2400 ext. 235 or email at [jlouth@westwindsortwp.com](mailto:jlouth@westwindsortwp.com).

TOWNSHIP OF WEST WINDSOR

By: Joanne Louth, Chief Financial Officer

Dated: August \_\_\_\_, 2018



**Exhibit B**

**(Notice of Sale to be Published in Local Newspaper)**

**NOTICE OF SALE**  
**\$10,500,000\***  
**GENERAL IMPROVEMENT BONDS, SERIES 2018**  
**OF THE TOWNSHIP OF WEST WINDSOR,**  
**IN THE COUNTY OF MERCER, NEW JERSEY**  
**(Book-Entry-Only Bonds)/(Callable)**

**SUMMARY**

ISSUER: Township of West Windsor, County of Mercer, New Jersey

PAR AMOUNT: \$10,500,000\*

SECURITY: General Obligations of the Township

TAX EXEMPT: Yes

RATING: S&P rating to be assigned.

TYPE OF SALE: Electronic Open Auction with Two Minute Rule (See Bidding Details Item (7) herein)

AGENT: MuniAuction. See "Bidding Details" herein.

SALE DATE & BID TIME: September 19, 2018 at 10:45 AM to 11:00 AM with Two Minute Rule applicable. Award by 2:00 PM

DATED DATE: Date of Delivery

DELIVERY DATE: October 4, 2018

INTEREST PAYMENT DATES: April 1 and October 1, commencing April 1, 2019

CALL DATE: October 1, 2024 @ par for Bonds maturing on or after October 1, 2025.

MINIMUM BID: \$10,500,000 (Par)

MAXIMUM BID: \$11,550,000 (Par plus 10% original issue premium)

BID SECURITY: **Good Faith Check or wire transfer in the amount of \$210,000 received by Township (prior to bidding) or Financial Surety Bond from Sure-Bid**

BASIS OF AWARD: True Interest Cost

LEGAL OPINION: McManimon, Scotland & Baumann, LLC, Roseland, New Jersey

OFFERING STATEMENT: Preliminary Official Statement available at [www.GrantStreet.com](http://www.GrantStreet.com)

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\*Preliminary, subject to change

## NOTICE

NOTICE IS HEREBY GIVEN that bids will be received by the Township of West Windsor, in the County of Mercer, New Jersey (the "Township") for the purchase of \$10,500,000\* original principal amount of the Township's General Improvement Bonds, Series 2018 (the "Bonds"). **All Bids (as defined below) must be submitted in their entirety on Grant Street Group's MuniAuction website ("MuniAuction") prior to 11:00 a.m., New Jersey time on September 19, 2018, unless otherwise extended by the two-minute rule described herein (see "Bidding Details"). The auction will begin at 10:45 a.m., New Jersey time on September 19, 2018 (the "Bid Date"). To bid via MuniAuction, Bidders (as defined below) must have both (1) completed the registration form on either MuniAuction or Grant Street Group website (parent of MuniAuction, herein referred to as "Grant Street") and (2) requested and received admission to the Township's auction, as described herein (see "Registration and Admission to Bid") and (3) submitted a good faith check or Financial Surety Bond, payable to the Township, in the amount of \$210,000 prior to the Bid Date (see Bidding Details below). The use of MuniAuction shall be at the Bidder's risk and expense, and the Township shall have no liability with respect thereto.**

### Preliminary and Final Official Statement

The Township's Preliminary Official Statement (the "POS"), dated on or about September 12, 2018, is available for viewing in electronic format on MuniAuction. The website located at [www.GrantStreet.com](http://www.GrantStreet.com). In addition, broker dealers registered with the National Association of Securities Dealers (the "NASD") and dealer banks with The Depository Trust Company ("DTC") clearing arrangements may either: (a) print out a copy of the POS on their own printer, or (b) at any time prior to the Sale Date, elect to receive a photocopy of the POS in the mail by requesting it by calling the Township's bond counsel, Matthew D. Jessup, Esq., of McManimon, Scotland & Baumann, LLC ("Bond Counsel"), 75 Livingston Avenue, Roseland, New Jersey 07068 (telephone no. 973-622-4850) or attention of Sandra S. Jessup, Paralegal (telephone no. 973-622-5258) or the Township's Municipal Advisor, Phoenix Advisors, LLC, (the "Municipal Advisor"), Sherry Tracey, 4 West Park Street, Bordentown, New Jersey 08505 (telephone no. 609-291-0130). All Bidders must review the POS and certify that they have done so prior to participating in the bidding.

The POS is deemed by the Township to be final as of its date, for purposes of SEC Rule 15c2-12(b)(1) under the Securities and Exchange Act of 1934, except for the omission of information concerning the offering price(s), interest rate(s), selling compensation, aggregate principal amount of the Bonds and any other terms or provisions to be determined from the successful Bid(s) or depending on such matters, and the identity of the underwriter(s). The POS is, however, subject to such further revisions, amendments and completion in a Final Official Statement (the "Final Official Statement") as may be necessary.

The Township at its expense, will make available to the winning Bidder a reasonable number of Final Official Statements, within seven (7) business days following the date of acceptance of the Bid.

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\*Preliminary, subject to change

## Types of Bids Allowed

Subject to the Bid requirements described below, Bids for the Bonds must be submitted on an "All-or-None" ("AON") basis for the entire amount of \$10,500,000\*. There will be only one CUSIP assigned to each annual maturity of the issue. First, a Bidder must submit a conforming Bid for the entire issue, and if such Bid is accepted by the Township, the Bidder will be required to purchase the entire issue in accordance with such Bid.

## Interest Payment Dates; Description of the Bonds

The Bonds will be dated their date of delivery and will bear interest from such date payable semiannually on each April 1 and October 1, commencing on April 1, 2019. Interest shall be computed on the basis of a 30-day month/360-day year.

## Principal Amortization

The Bonds shall mature on October 1 as set forth in the following table:

| <u>Year</u> | <u>Principal Amount*</u> | <u>Year</u> | <u>Principal Amount*</u> |
|-------------|--------------------------|-------------|--------------------------|
| 2019        | \$ 500,000               | 2025        | \$1,000,000              |
| 2020        | \$1,000,000              | 2026        | \$1,000,000              |
| 2021        | \$1,000,000              | 2027        | \$1,000,000              |
| 2022        | \$1,000,000              | 2028        | \$1,000,000              |
| 2023        | \$1,000,000              | 2029        | \$1,000,000              |
| 2024        | \$1,000,000              |             |                          |

The Township may and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (i) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, will not exceed \$10,500,000. The dollar amount bid by the winning Bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted Bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the original Bid, and the Initial Public Offering Prices required to be delivered to the Township, as stated herein.

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\*Preliminary, subject to change

## **Book-Entry-Only**

The Bonds will be issued in book-entry-only form, initially in the name of Cede & Co., as nominee of DTC. Purchasers will not receive certificates representing their interests in the Bonds. Individual purchases will be in the principal amount of \$5,000, or any integral multiple in excess thereof. Payments of principal, interest and redemption premium, if any, will be made by the paying agent to DTC for subsequent disbursement to DTC participants to then be remitted to the beneficial owners of the Bonds.

## **Redemption Provisions**

The Bonds maturing prior to October 1, 2025, are not subject to redemption prior to their stated maturities. The Bonds maturing on or after October 1, 2025 are redeemable at the option of the Township in whole or in part on any date on or after October 1, 2024 at 100% of the principal amount outstanding (the "Redemption Price") plus interest accrued to the date of redemption upon notice as required herein.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed Bond Registrar. Any failure of the securities depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the Bonds prior to maturity, the Bonds to be redeemed shall be selected by the Township; the Bonds to be redeemed having the same maturity shall be selected by the securities depository in accordance with its regulations.

So long as Cede & Co., as nominee of DTC, is the registered owner of the Bonds, the Township shall send redemption notices only to Cede & Co.

If notice of redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the redeemed Bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the Bonds redeemed.

## **Registration and Admission to Bid**

To bid by MuniAuction, Bidders must first visit MuniAuction where, if they have never registered with either MuniAuction or Grant Street, they can register and then request admission to bid on the Bonds. Bidders will be notified prior to the scheduled bidding time of their eligibility to bid. Only NASD registered broker-dealers or dealer banks with DTC clearing arrangements will be eligible to bid. Bidders who have previously registered with MuniAuction may call MuniAuction at (412) 391-5555 (ext. 370 Auction Support) for their ID Number or password. Rules governing the sale and the rules applicable to MuniAuction are available in the full Notice of Sale at [www.GrantStreet.com](http://www.GrantStreet.com).

## **Bidding Details**

Bidders should be aware of the following bidding details associated with the sale of the Bonds:

- (2) **BIDDERS MUST SUBMIT A GOOD FAITH CHECK, WIRE TRANSFER OR A FINANCIAL SURETY BOND IN THE AMOUNT OF \$210,000 PAYABLE TO THE TOWNSHIP NO LATER THAN 10:30 A.M. ON THE SALE DATE. HOWEVER, BIDDERS ARE ENCOURAGED TO SUBMIT CHECKS OR WIRES ON THE DAY PRIOR TO THE SALE DATE TO ASSURE RECEIPT OF PAYMENT BY THE TOWNSHIP AT THE FOLLOWING ADDRESS:**

**Joanne Louth  
Chief Financial Officer  
Township of West Windsor  
271 Clarksville Road  
West Windsor, NJ 08550**

**BIDDERS SUBMITTING GOOD FAITH CHECKS SHOULD ALSO ENCLOSE A RETURN ENVELOPE FOR USE BY THE TOWNSHIP. BIDDERS SUBMITTING A WIRE SHOULD CONTACT THE TOWNSHIP'S MUNICIPAL ADVISOR, SHERRY TRACEY (TELEPHONE NO. 609-291-0130) TO OBTAIN THE WIRE INSTRUCTIONS.**

**UNSUCCESSFUL BIDDERS SUBMITTING THE GOOD FAITH DEPOSIT BY WIRE TRANSFER SHALL, NO LATER THAN THE CLOSE OF BUSINESS ON THE SALE DATE OF THE BONDS, PROVIDE THE CHIEF FINANCIAL OFFICER IN WRITING WITH WIRING INSTRUCTIONS FOR THE RETURN OF SUCH UNSUCCESSFUL BIDDER'S GOOD FAITH DEPOSIT. IN THE EVENT THAT THE TOWNSHIP FAILS TO RETURN ANY GOOD FAITH WIRES IN A TIMELY FASHION, THE TOWNSHIP SHALL NOT BE LIABLE FOR MONETARY DAMAGES, REMEDY BEING HEREBY SPECIFICALLY LIMITED TO SPECIFIC PERFORMANCE.**

- (5) All Bids must be submitted on the MuniAuction website at [www.GrantStreet.com](http://www.GrantStreet.com). **No telephone, telefax, telegraph or personal delivery Bids will be accepted.**
- (6) All Bids for the Bonds must be submitted on an AON basis. Bidders may change and submit Bids as provided for herein, but a submitted Bid may not be withdrawn.
- (7) Bidders may bid to purchase Bonds from the Township with a bid premium in an amount not in excess of ten percent (10%) of the par amount of the Bonds, representing a bid price of not in excess of \$11,550,000. No Bid will be considered if the Bid is to purchase Bonds at a price less than 100% of the principal amount thereof. The Township may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, as set forth in more detail under "Principal Amortization" above.
- (5) Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds and the rate or rates named must be multiples of 1/8 or 1/20 of 1%. The difference between the highest and lowest interest rates named in

the Bid shall not exceed three percent (3%) per annum. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. Each proposal submitted must state the purchase price, which must be not less than par. The Bonds will be awarded to the Bidder on whose Bid the total loan may be made at the lowest true interest cost ("TIC"). Such TIC shall be calculated as described below. No proposal shall be considered that offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at a TIC higher than the lowest TIC to the Township under any legally acceptable proposal. The purchaser must also pay an amount equal to the interest on the Bonds accrued to the date of payment of the purchase price, if applicable.

- (7) Bidders are only permitted to submit Bids for the Bonds during the bidding period.
- (8) If any Bid on the auction becomes a leading Bid two (2) minutes, or less, prior to the end of the auction, then the auction will be automatically extended by two (2) minutes from the time such Bid was received by MuniAuction. The auction end time will continue to be extended, indefinitely, until a single leading Bid remains the leading Bid for at least two (2) minutes.
- (9) Bidders may change and submit Bids as many times as they wish during the bidding time period; however, each and any Bid submitted subsequent to a Bidder's initial Bid must result in a lower True Interest Cost (as defined herein and referred to as "TIC") when compared to the immediately preceding Bid of such Bidder. In the event the revised Bid does not produce a lower NIC, the prior Bid will remain valid.
- (11) The last Bid submitted by a Bidder before the end of the bidding time period will be compared to all other final Bids submitted by others to determine the winning Bidder or Bidders.
- (12) During the bidding, no Bidder will see any other Bidder's Bid, but Bidders will be able to see the ranking of their Bid relative to other Bids (i.e., "Leader", "Cover", "3<sup>rd</sup>", etc.).

### **Rules of MuniAuction**

The rules of MuniAuction (the "Rules") can be viewed on MuniAuction and are incorporated herein by reference. Bidders must comply with the Rules in addition to the requirements of the Notice of Sale for the Township's Bonds dated the date hereof (the "Notice of Sale"). To the extent there is a conflict between the Rules and the Notice of Sale, the Notice of Sale shall control.

### **Rules**

- (11) A Bidder submitting a Winning Bid is irrevocably obligated to purchase the Bonds at the rates and prices of the Winning Bid, if acceptable to the Township, as set forth in the related Notice of Sale. **Winning Bids are not officially awarded to the Bidder until formally accepted by the Township.**

- (12) Neither the Township, Bond Counsel nor MuniAuction (the "Auction Administrator") is responsible for technical difficulties that result in loss of Bidder's internet connection with MuniAuction, slowness in transmission of Bids, or other technical problems.
- (13) If for any reason a Bidder is disconnected from MuniAuction's Auction Page during the auction after having submitted a Winning Bid, such Bid is valid and binding upon the Bidder, unless the Township exercises its right to reject Bids, as set forth herein.
- (14) Bids which generate error messages are not accepted until the error is corrected and the Bid is received prior to the deadline.
- (15) Bidders accept and agree to abide by all terms and conditions specified in the Notice of Sale (including amendments, if any) related to each auction.
- (16) Neither the Township, Bond Counsel nor the Auction Administrator is responsible to any Bidder for any defect or inaccuracy in the Notice of Sale, amendments, or POS as they appear on MuniAuction.
- (17) Only Bidders who request and received admission to an auction and who have submitted a Good Faith Deposit (as defined herein) as required by the terms of this Notice of Sale may submit Bids. Bond Counsel and the Auction Administrator reserve the right to deny access to MuniAuction to any Bidder, whether registered or not, at any time and for any reason whatsoever, in their sole and absolute discretion.
- (18) Neither the Township, Bond Counsel nor the Auction Administrator is responsible for protecting the confidentiality of a Bidder's MuniAuction password.
- (19) If two (2) Bids are submitted in the auction by the same or two or more different Bidders and result in same TIC, the first confirmed Bid received by MuniAuction prevails. Any change to a submitted Bid constitutes a new Bid, regardless of whether there is a corresponding change in TIC.
- (20) Bidders must compare their final Bids to those shown on the Observation Pages immediately after the bidding time period ends, and if they disagree with the final results shown on the Observation Pages they must report them to MuniAuction within fifteen (15) minutes after the bidding time period ends. Regardless of the final results reported by MuniAuction, bonds are definitively awarded to winning Bidders only upon official award by the Township. If, for any reason, the Township fails to: (i) award bonds to the winning Bidder reported by MuniAuction, or (ii) deliver bonds to the winning Bidders at settlement, neither Bond Counsel nor the Auction Administrator will be liable for damages.

## **Definitions**

"Bid" any confirmed purchase offer received by MuniAuction on or before the auction deadline.



|                            |   |
|----------------------------|---|
| "Bidder"                   | any firm registered with either MuniAuction or Grant Street and approved for participation in auctions.   |
| "True Interest Cost (TIC)" | true interest cost shall be computed in each instance by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the bonds and to the price bid, excluding interest accrued to the delivery date. The TIC serves as the basis for awarding bonds to the winning Bidder. |
| "Winning Bid"              | any purchase offer made by a Bidder by clicking the "Submit Bid" button and received by MuniAuction which, at the end of the bidding time period, results in the lowest TIC which is acceptable to the Township.  |

### **Bid Procedure and Basis of Award**

Subject to the right reserved by the Township to reject any or all Bids, the Bonds will be sold to the Bidder whose Bid produces the lowest TIC for the Township and otherwise complies with the Notice of Sale.

Bids must remain valid until at least 3:00 p.m., prevailing time, on the Sale Date, and if accepted by the Township, prior to such time, shall be irrevocable except as otherwise provided in the Notice of Sale. Upon selection of the winning Bidder, the Township will execute an award certificate to award the Bonds and will promptly communicate with the winning Bidder by telephone, e-mail or fax.

### **Bid Security and Method of Payment for Bonds**

A Good Faith Deposit ("Deposit") in the form of a certified or cashier's check, wire transfer (wiring instructions can be obtained from the Township's Bond Counsel or Municipal Advisor) or a Financial Surety Bond in the amount of \$210,000, payable to the order of the Township, is required for each Bid to be considered. If a check is used, it must be a certified treasurer's or cashier's check and must be provided to the Township prior to 10:30 a.m. on the Sale Date for bids to be submitted. If a wire transfer is used, such wire must be received by the Township prior to 10:30 a.m. on the Sale Date. Each bidder accepts responsibility for delivering such check or wire on time and the Township is not responsible for any check or wire that is not received on time. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services of New Jersey (the "Director") and such bond must be submitted to the Township prior to 10:30 a.m. on the Sale Date at the address referred to above. At present, the Director has approved the use of Sure-Bid, a division of Financial Security Assurance Inc. Use of any other Financial Surety Bond must be approved by the Director prior to the Bid and will not be accepted by the Township unless evidence of such approval is provided prior to the Bid. The Financial Surety Bond must identify the Bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to the winning Bidder utilizing a Financial Surety Bond, then that winning Bidder is required to submit its Deposit to the Township by wire transfer as instructed by the Township not later than 3:30 p.m. on the next business day following the Sale Date. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the Township to satisfy the Deposit requirement. No interest on the Deposit will accrue to the winning Bidder. The Deposit will be applied to the purchase price of the Bonds. In the event the winning Bidder fails to honor its accepted Bid, the

Deposit will be retained by the Township. Award of the Bonds to the winning Bidder or rejection of all Bids is expected to be made within two hours after opening of the bids, but such winning Bidder may not withdraw its proposal until after 3:00 p.m. on the Sale Date and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in Federal Funds by wire transfer to the Township on or about the delivery date.

### **Right to Reject Bids; Waive Irregularities**

The Township reserves the right to reject any and all Bids and to the extent permitted by law to waive any irregularity or informality in any Bid.

### **Information Required from the Winning Bidder**

By making a bid for the Bonds, the winning Bidder(s) agrees: (a) to provide to the Township, in writing, immediately upon being unofficially awarded the Bonds, a written confirmation of the Bid, which shall include the purchase price, reoffering yield(s), and other related information necessary for completion of the final Official Statement, the Municipal Advisor and by Bond Counsel; (b) to disseminate to all members of the underwriting syndicate copies of the Official Statement; (c) to promptly file a copy of the final Official Statement with the Municipal Securities Rulemaking Board; and (d) to take any and all other actions necessary to comply with applicable Securities and Exchange Commission and Municipal Securities Rulemaking Board rules governing the offering, sale and delivery of the Bonds to alternate purchasers.

### **Establishment of Issue Price for the Bonds**

In the event the Township receives at least three (3) bids for the Bonds, then the Issue Price for the Bonds shall be established based on the reasonably expected initial offering prices of the Bonds as of the Bid Date (the "Expected Offering Prices"). The Expected Offering Prices shall consist of the prices for each maturity of the Bonds used by the winning Bidder in formulating its bid to purchase the Bonds. The winning Bidder shall be required to deliver on the Delivery Date a certificate to such effect, and provide to the Township, in writing, the Expected Offering Prices as of the Bid Date.

In the event the Township receives fewer than three (3) bids for the Bonds, then the Issue Price for the Bonds shall be established based on the following method as selected by the winning Bidder on the Bid Date:

10% Sold: The Issue Price for the Bonds shall be established based on the first price at which at least 10% of each maturity of the Bonds was sold to the Public (as defined below). The winning Bidder shall be required to deliver on the Delivery Date a certificate to such effect, and provide to the Township, in writing, evidence satisfactory to Bond Counsel to the Township of such sales prices for each maturity of the Bonds. In the event that the winning Bidder has not sold at least 10% of each maturity of the Bonds to the Public as of the Delivery Date (each, an "Unsold Maturity"), the winning Bidder shall (i) provide to the Township, in writing, on the Delivery Date, the Expected Offering Prices for each Unsold Maturity and a certificate regarding same and (ii) have a continuing obligation to provide to the Township, in writing, evidence satisfactory to Bond Counsel to the Township of the first price at which at least 10% of each Unsold Maturity is sold to the Public, contemporaneous with each such sale, until at least 10% of all such Unsold Maturities have been sold to the Public.

**Hold The Price:** The Issue Price for the Bonds shall be established based on the initial offering price of the Bonds to the Public as of the Bid Date, provided that the winning Bidder shall, in writing, (i) confirm that the Underwriters have offered or will offer the Bonds to the public on or before the Bid Date at the offering price or prices set forth in the Bid submitted by the winning Bidder and (ii) agree, on behalf of the Underwriters participating in the purchase of the Bonds, that the Underwriters will neither offer nor sell the Bonds to any person at a price that is higher than the initial offering price to the Public during the period starting on the Bid Date and ending on the earlier of: (1) the close of the fifth (5<sup>th</sup>) business day after the Bid Date; or (2) the date on which the Underwriters have sold at least 10% of the Bonds to the Public at a price that is no higher than the initial offering price to the Public.

Public means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter (as defined herein) or a related party to an Underwriter. The term “related party” generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly. Underwriter means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

### **Delivery of the Bonds**

The Bonds will be delivered on or about the delivery date (UNLESS A NOTICE OF A CHANGE IN THE DELIVERY DATE IS PUBLISHED ON MUNIAUCTION NOT LATER THAN 2 HOURS PRIOR TO ANY ANNOUNCED DATE FOR RECEIPT OF BIDS) in New York City at DTC against payment of the purchase price therefor (less the amount of the good faith deposit) in federal funds.

There will also be furnished the usual closing papers, including (1) a certificate signed by the officials who signed the Bonds stating that no litigation of any kind is now pending or, to their knowledge, threatened to restrain or enjoin the issuance or delivery of the Bonds, or in any manner questioning the proceedings and authorization under which the Bonds are issued or affecting the validity of the Bonds and (2) a certificate signed by the Township relating to the official statement.

### **CUSIP Numbers**

The Municipal Advisor will apply for CUSIP numbers with respect to the Bonds, but neither Municipal Advisor or the Township will assume any obligation for the assignment or printing of such numbers on the Bonds or for the correctness of such numbers, and neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the winning Bidder to accept delivery of and make payment for the Bonds. The CUSIP Service Bureau charge for the assignment of the CUSIP numbers shall be the responsibility of and shall be paid for by the winning Bidder.

### **Legal Opinions**

The approving opinions of McManimon, Scotland & Baumann, LLC, Bond Counsel to the Township, will be furnished without cost to the winning Bidder.

## **Postponement**

The Township reserves the right to postpone, from time to time, the date and time established for receipt of Bids. **ANY SUCH POSTPONEMENT WILL BE PUBLISHED OR POSTED, BEFORE 10:00 A.M. ON THE SALE DATE.** If any date fixed for the receipt of Bids and the sale of the Bonds is postponed, an alternative sale date will be announced via MuniAuction at least forty-eight (48) hours prior to such alternative sale date. On any such alternative sale date, any Bidder may submit a Bid for the purchase of the Bonds in conformity in all respects with the provisions of the Notice of Sale, except for the date of sale and except for the changes announced on MuniAuction at the time the sale date and time are announced.

## **Additional Information**

For further information relating to the Bonds, reference is made to the POS prepared for and authorized by the Township. The Notice of Sale and the POS may be viewed on MuniAuction. However, the Township makes no assurance or representation with respect to the form of the Notice of Sale and the POS on MuniAuction, and no investment decision should be made in reliance thereon. Printed copies of the POS and the Notice of Sale may be obtained from the Bond Counsel at the address and phone number stated above. Additional information relating to the auction or a private bidding tutorial may be obtained by calling the Auction Administrator at (412) 391-5555 (ext. 370 Auction Support). Additional information relating to the financing of the Township can be obtained by contacting the undersigned Chief Financial Officer at (609) 799-2400 ext. 235 or email at [jlouth@westwindsortwp.com](mailto:jlouth@westwindsortwp.com).

TOWNSHIP OF WEST WINDSOR

By: Joanne Louth, Chief Financial Officer

Dated: August 27, 2018

**Exhibit C**

**(Summary Notice of Sale to be Published in The Bond Buyer)**

**NOTICE OF SALE**

**\$10,500,000\***  
**GENERAL IMPROVEMENT BONDS, SERIES 2018**  
**OF THE**  
**TOWNSHIP OF WEST WINDSOR,**  
**IN THE COUNTY OF MERCER, NEW JERSEY**  
**(Book-Entry-Only Bonds)/(Callable)**

**SUMMARY**

Dated: Date of Delivery – On or about October 4, 2018  
Bid Date and Time: September 19, 2018 at 10:45 a.m. and award by 2:00 p.m.  
Type of Sale: Electronic Open Auction  
Interest: Multiple Interest Rates - multiples of 1/8 or 1/20 of 1%  
Legal Opinion: McManimon, Scotland & Baumann, LLC, Roseland, NJ  
Bid Security: Good Faith Check, wire transfer, or Financial Surety Bond must be received by the Township by 10:30 a.m. prior to bidding in the amount of \$210,000  
  
Limitation on Premium: \$11,550,000 (par plus 10% original issue premium)  
Maturity Schedule: October 1 as set forth in the following table:

| <u>Year</u> | <u>Principal Amount*</u> | <u>Year</u> | <u>Principal Amount*</u> |
|-------------|--------------------------|-------------|--------------------------|
| 2019        | \$ 500,000               | 2025        | \$1,000,000              |
| 2020        | \$1,000,000              | 2026        | \$1,000,000              |
| 2021        | \$1,000,000              | 2027        | \$1,000,000              |
| 2022        | \$1,000,000              | 2028        | \$1,000,000              |
| 2023        | \$1,000,000              | 2029        | \$1,000,000              |
| 2024        | \$1,000,000              |             |                          |

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\* Preliminary, subject to change

**Preliminary Official Statement, Notice of Sale and other details available at [www.GrantStreet.com](http://www.GrantStreet.com)**

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 is in need of an uninterruptible power supply and communication wiring services to support the Municipal Network Infrastructure especially during power outages and interruptions; and

WHEREAS, Network Cabling Inc. dba NetQ Multimedia Company has been awarded the New Jersey State Contract T2989-88739 for Communications Wiring Services; and

WHEREAS, the total cost of the services for this project are \$41,193.00 and the Chief Financial Officer has certified funding for the above from the following capital accounts:

|                  |                                   |              |
|------------------|-----------------------------------|--------------|
| 4 05 2012 08 001 | Network Server Replace/Upgrade    | \$ 973.87    |
| 4 05 2013 09 001 | Network/Computer/Printer          | \$ 20,160.00 |
| 4 05 2017 21 001 | Network/Computer/Printer/Scanners | \$ 20,359.13 |

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator Marlana Schmid to purchase the equipment and services above from Network Cabling Inc. dba NetQ Multimedia Company under New Jersey State Contract T2989-88739.

Adopted: August 20, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20<sup>th</sup> day of August 2018.

---

Gay M. Huber  
 Township Clerk  
 West Windsor Township

## RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, ACT Engineers have submitted a proposal dated May 11, 2018 indicating they will provide professional engineering services for the former West Windsor Township Landfill/Compost Facility – Remedial Action Work Plan for Fifty Seven Thousand Eight Hundred Fifty Eight Dollars and Eighty Cents (\$57,858.80); and

WHEREAS, the Township wishes to enter into an agreement with ACT Engineers for the aforesaid services; and

WHEREAS, the total amount of the contract is Fifty Seven Thousand Eight Hundred Fifty Eight Dollars and Eighty Cents (\$57,858.80); and

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

|   |                 |             |
|---|-----------------|-------------|
| Traffic Safety Improvements Hazard Mitigation | 405 2015 06 008 | \$40,000.00 |
| Traffic Safety Improvements Hazard Mitigation | 405 2016 09 007 | \$17,858.80 |

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 services agreement with ACT Engineers to cover the period August 20, 2018 through completion of the project.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services related to the remediation of the former West Windsor Township Landfill / Compost Facility, pursuant to their proposal dated May 11, 2018. The contract shall 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 Contract between the Township and ACT Engineers and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: August 20, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20th day of August 2018.

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Gay M. Huber  
Township Clerk  
West Windsor Township



## RESOLUTION

WHEREAS, the Township of West Windsor entered into a professional services agreement with ACT Engineers on January 29, 2018 (Resolution 2018-R059A) for professional engineering services on a consultant basis for inspection and certification of construction performed by developers, conformance reviews, and miscellaneous engineering projects as assigned; and

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

|  |                   |                    |
|--|-------------------|--------------------|
| <u>Engineering-Consultant Services</u> | <u>105-30-210</u> | <u>\$ 3,000.00</u> |
| Account Title                          | Account Number    | Amount to date     |

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

WHEREAS, the Chief Financial Officer has certified that funds are available for said contract in the following line item appropriation accounts:

|  |                   |                   |
|--|-------------------|-------------------|
| <u>Engineering-Consultant Services</u> | <u>105-30-210</u> | <u>\$3,300.00</u> |
| Account Title                          | Account Number    | Amount            |

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is hereby authorized to increase the contract amount to date of \$3,000.00 with ACT Engineers to a revised contract amount of \$6,300.00.

Adopted: August 20, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20th day of August 2018.

---

Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional construction administration and observation services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, BANC3, Engineering, Inc. has submitted a proposal dated July 13, 2018 indicating they will provide professional construction administration and observation services for the Alexander Road Reconstruction Project-Phase 3 for Seventeen Thousand Four Hundred Forty Dollars (\$17,440.00); and

WHEREAS, BANC3, Engineering, Inc. has indicated a performance period for the construction administration and observation services concurrent with the construction project; and

WHEREAS, the Township wishes to enter into an agreement with BANC3, Engineering, Inc. for the aforesaid services; and

WHEREAS, the total amount of the contract is Seventeen Thousand Four Hundred Forty Dollars (\$17,440.00); and

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

Roadway Improvements 405-2017 21-008 \$17,440.00

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 BANC3, Engineering, Inc., with a performance period concurrent with the construction project from the date of project initiation for construction administration and observation services, for an amount not to exceed Seventeen Thousand Four Hundred Forty Dollars (\$17,440.00).
- (2) The Agreement so authorized shall require the Provider to provide professional construction administration and observation services pursuant to its proposal dated July 13, 2018. 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 Contract between the Township and BANC3 Engineering, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: August 20, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 20th day of August 2018.

---

Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) New Kubota Zero Turn Mower for the Department of Public Works; and

WHEREAS, West Windsor Township is a member of the Middlesex Regional Education Service Commission (65MCESCCPS-ESCNJ 15/16-08) and the Kubota model ZD1211L-72 Mower is available from Cherry Valley Tractor Sales, 35 Route 70 West, Marlton, NJ 08034; and

WHEREAS, Alexander Drummond, Director of Public Works recommends the Township purchase One (1) Kubota Zero Turn Mower; and

WHEREAS, funding for the acquisition of said equipment for the Department of Public Works is available through the approved 2018 Capital Budget; and

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

Public Works - Acquisition of Equipment

Account Code 405 2018 15 024      \$14,295.26

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase one (1) New Kubota Zero Turn Mower under the Middlesex Regional Education services Commission (MRESC 15/16-08, New Jersey State Approved Co-Op#: 65MCESCCPS) for a total of \$14, 295.26 from Cherry Valley Tractor Sales, 35 Route 70 West Marlton, NJ 08053

Adopted: August 20, 2018

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

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Gay Huber,  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need for specialized Health Insurance Benefits Consultant Services as a non-fair and open contract and pursuant to N.J.S.A.19:44A-20.5, and

WHEREAS, Frenkel Benefits of Jersey City, New Jersey, has completed and submitted a Business Entity Disclosure Certification which certifies that Frenkel Benefits of Jersey City, New Jersey has not made any reportable contributions to a political or candidate committee in the Township of West Windsor in the previous year, and that the contract will prohibit Frenkel Benefits of Jersey City, New Jersey from making any reportable contributions through the term of the contract; and

WHEREAS, the Township's Business Administrator, Chief Financial Officer and Mayor recommend that the Township award a contract for (1) one year to Frenkel Benefits of Jersey City, New Jersey from September 15, 2018 through September 14, 2019; and

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

Group Insurance – Miscellaneous Services 105-51-299 \$30,000.00

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with Frenkel Benefits of Jersey City, New Jersey, as the Township Health Insurance Benefits Consultant through September 14, 2019, as set forth in the attached agreement; and
2. The Agreement so authorized shall require the provider to perform Health Insurance Benefits Consultant Services. The Contract shall be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1) (a) (i) 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 Contract between the Township and Frenkel Benefits of Jersey City, and copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: August 20, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20th the day of August, 2018.

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Gay M. Huber  
Township Clerk  
West Windsor Township

TO THE EXTENT KNOWN  
WEST WINDSOR TOWNSHIP  
**BOARD OF HEALTH MEETING\***

August 20, 2018

The Board of Health Session will begin promptly after the close of the adequately noticed Closed Session

7:00 P.M.

1. Call to Order
2. Statement of Adequate Notice: January 5, 2018 to The Times and the Princeton Packet. Closed Session was noticed on August 14, 2018 to The Times and the Princeton Packet.
3. Salute to the Flag
4. Public Comment (30 minutes comment period; 3-minute limit per person)
5. For Action:
  - May 7, 2018 – Board of Health Meeting Minutes
6. For Discussion:
  - a. Board of Health Member:
  - b. Mayor/Administration: Presentation - Public Health Issues Associated with Electronic Smoking Devices (Vaping) and Review of Draft Ordinance on Electronic Smoking Devices
7. Closed Session (Room C if needed)
8. Public Comment (30 minutes comment period; 3-minute limit per person)
9. Adjournment