

MEETING TO BE
LIVE STREAMED AT
<https://www.youtube.com/channel/UC8i0yw7lhozymgo4N68jJdg/live>

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

January 29, 2024

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 19, 2024 to The Times and the Princeton Packet and posted on the Township web-site.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration
West Windsor Bicycle and Pedestrian Alliance Presentation
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments
10. Public Hearings
11. Consent Agenda

A. Resolutions

2024-R042 Approving the Refund of Construction Permit Fee for Oil Tank Removal to Nancy Hunter in the Amount of \$100.00 for Permit 2023-2155

B. Minutes

December 18, 2023 - Closed Session

December 18, 2023 - Business Session - As Amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2024-R043 Authorizing the West Windsor Police Division to Continue Participation in the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) Program for 2024

2024-R044 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Edwin W. Schmierer of Mason, Griffin & Pierson for Conflict Attorney Services - \$7,500.00

2024-R045 Authorizing the Mayor and Clerk to Execute a Contract with On-Site Landscape Management Inc., for Landscape Maintenance for Detention Basins and Open Space Lands - \$124,497.00

2024-R046 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers, Inc. for Miscellaneous Engineering Services - \$500.00

2024-R047 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers, Inc. for the Southfield Road and South Post Road Sewer Capacity Improvements Project - \$49,000.00

2024-R048 Authorizing the Mayor and Clerk to Execute a Contract with Earle Asphalt Company for the 2022 Annual Road Improvement Program - \$1,935,313.13

2024-R049 Authorizing the Mayor and Clerk to Execute a Contract with Earle Asphalt Company for the Southfield Road and South Post Road Sewer Capacity Improvements Project - \$4,723,945.78

2024-R050 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Roberts Engineering Group, LLC for the Southfield Road and South Post Road Sewer Capacity Improvements Project - \$310,000.00

2024-R051 Granting Request for Reservation of Sewer Capacity and Authorizing the Township Engineer to Execute a TWA Endorsement Application for the Project Known as Marketfair South (PB23-09), Block 27.15, Lot 14.04

2024-R052 Authorizing the Land Use Manager and Chief Financial Officer to Execute the Supplemental Funding Request Form - Acquisition Projects with NJDEP - Green Acres for a \$1,126,494.00 Open Space Grant

14. Introduction of Ordinances

2024-01 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$330,000.00

Public Hearing: February 12, 2024

2024-02 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 150 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING PROVISIONS PERTAINING TO STORMWATER POLLUTION PREVENTION REGULATIONS (DE-ICING MATERIALS)

Public Hearing: February 12, 2024

2024-03 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR ENTITLED LAND USE, PART IV ENTITLED ZONING, ARTICLE XXIX ENTITLED REGULATIONS FOR RESEARCH/OFFICE/MANUFACTURING, RESEARCH/OFFICE AND RESEARCH AND DEVELOPMENT DISTRICTS, SECTION 200-209 ENTITLED ROM-1 INDUSTRIAL DISTRICT (RESEARCH, OFFICE, LIMITED MANUFACTURING) USE REGULATIONS AND SECTION 200-210 ENTITLED DISTRICT BULK AND AREA REGULATIONS

Public Hearing: February 26, 2024

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

REQUEST FOR COUNCIL ACTION

Date of Request: January 8th, 2024

Initiated By: Jason Harris

Division/Department Code Enforcement

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Refund of \$100.00 for over payment on a residential oil tank removal permit at 18 North Post Rd .

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

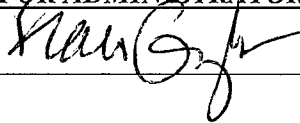
CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Memo to Marlena Schmid, Business Administrator for permit refund

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head

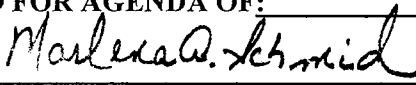


1/16/24

Date

APPROVED FOR AGENDA OF:

By:



Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 **Ordinance #** _____ **Resolution #** 2024-R042

Council Action Taken:

RESOLUTION

WHEREAS, the Construction Official, Jason Harris, has certified the Township is in receipt of a \$100.00 overpayment from the said Applicant for application for a permit to remove an underground oil tank (#2023-2155); and

WHEREAS, the Applicant corrected their contractor's permit submittal information to represent the correct use as Residential instead of Commercial; and

WHEREAS, the Applicant is entitled to a refund of \$100.00 for overpayment of permit fees.

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

<u>Applicant</u>	<u>Refund</u>
Nancy Hunter 18 North Post Rd West Windsor, NJ 08550	\$100.00

Adopted: January 29, 2024

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

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 01/15/2024

Initiated By: Chief Robert Garofalo Division/Department: Police

ACTION REQUESTED/ EXECUTIVE SUMMARY:

This resolution will allow the West Windsor Township Police Division to continue its participation in the Defense Logistics Agency Law Enforcement Support Office 1033 Program. The 1033 Program require reauthorization each year.

SOURCE OF FUNDING:

CONTRACT AMOUNT:

CONTRACT LENGTH:

The resolution allows participation in the 2024 calendar year.

OTHER SUPPORTING INFORMATION ATTACHED:

S:\AGENDA INBOX (file name) _____

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Chief Robert Garofalo	01/15/2024
Department/Division Head	Date

APPROVED FOR AGENDA OF: _____

By: Marlena A. Schmid
Marlena Schmid, Business Administrator

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

MEETING DATE: 1/29/24 Ordinance # _____ Resolution # 2024-R043

Council Action Taken:

RESOLUTION

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies;

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response and resiliency; and

WHEREAS, although the property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30,2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Windsor that the Police Division is hereby authorized to enroll in the 1033 Program for a one-year period from January 1, 2024 to December 31, 2024; and

BE IT FURTHER RESOLVED, that the Township of West Windsor Police Division is Hereby authorized to acquire items of non-controlled property designated "DEMIL A" which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, military and non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the next twelve months based on the needs of the West Windsor Township Police Division, without restriction; and

BE IT FURTHER RESOLVED that the West Windsor Township Police Division is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the next twelve months: (1) vehicle capable of traversing high water and high snow conditions during emergency response needs; and

BE IT FURTHER RESOLVED that the West Windsor Township Police Division shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the West Windsor Township Police Division shall provided a yearly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED That this Resolution shall take effect January 1, 2024 and shall be valid to authorize requests to acquire "DEMIL A" property that may be made available through the 1033 Program until December 31, 2024 and requests to acquire "DEMIL B through Q" property that may be available through the 1033 Program until December 31, 2024.

Adopted: January 29, 2024

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

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township may need Conflict Attorney services when the Township Attorney's Office is conflicted; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) permits an award of contract for "professional services" without competitive bids, and the services contemplated to be rendered by the Conflict Attorney qualify as "Professional Services" under this law; and

WHEREAS, the Township wishes to enter into a professional services agreement with Edwin W. Schmierer, Esq., and Mason, Griffin & Pierson for the performance of the aforesaid services; and

WHEREAS, the Chief Financial Officer has certified funds are available for the professional services agreement in the following line item:

Legal-Legal Fees	105-46-223	\$7,500.00
------------------	------------	------------

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

1. The Mayor and Clerk are hereby authorized to execute, on behalf of the Township, a professional services agreement, with Edwin W. Schmierer, Esq. and Mason, Griffin & Pierson for the performance of conflict attorney services as needed for an amount not to exceed of \$7,500.00 for the period of January 1, 2024 through December 31, 2024.
2. A notice of this action shall be printed in the legal newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

Adopted: January 29, 2024

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

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: January 18, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing the renewal of the contract for Public Lands Maintenance Turfgrass and Stormwater Detention Basin Maintenance with On-Site Landscape Management Inc. through calendar year 2024. Work under this contract includes the furnishing of all labor, material and equipment for maintenance of selected detention basins and open space areas in the Township. It is recommended that this contract be awarded to On-Site Landscape Management Inc.

SOURCE OF FUNDING:

Facilities & Open Space Service/Maintenance	105 44 251	\$ 46,036.00
Preserve Open Space Maintenance	405 2022 07 004	\$ 76,520.12
Preserve Open Space Maintenance	405 2023 07 004	\$ 1,940.88

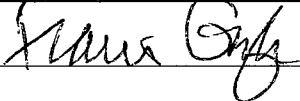
CONTRACT AMOUNT: \$124,497.00

CONTRACT LENGTH: Through December 31, 2024

OTHER SUPPORTING INFORMATION ATTACHED:

- | | |
|-------------------------------------|-----------------------------------|
| Resolution | Affidavit of Compliance |
| Memorandum of Recommendation – WWT | Affirmative Action Contract |
| Certificate of Funds | Business Registration Certificate |
| Agreement | Certificate of Information Report |
| New Jersey Public Works Certificate | |

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW


1/17/24

 Department/Division Head Date

APPROVED FOR AGENDA OF: January 29, 2024

By: 

 Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 **Ordinance #** _____ **Resolution #** 2024-R045

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need for landscape maintenance for detention basins and open space lands; and

WHEREAS, said contracts were put out to public bid seeking bids for this annual project, including bids for two additional one year renewal options, and said bids were opened on January 24, 2023; and

WHEREAS, five contractors picked up bids and the Township received bids from the following two bidders:

<u>Contractor</u>	<u>Base Bid-2024</u> (Renewal Year One of Two)
On-Site Landscape Management Inc.	\$124,497.00
Harshi Construction	\$773,000.00

WHEREAS, the contract was successfully carried out in 2023 by On-Site Landscape Management Services; and

WHEREAS, the Township staff has reviewed all bids and determined that the lowest responsible 2024 bid was submitted by On-Site Landscape Management, Inc.; and

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

Facilities & Open Space Service/Maintenance	105 44 251	\$ 46,036.00
Preserve Open Space Maintenance	405 2022 07 004	\$ 76,520.12
Preserve Open Space Maintenance	405 2023 07 004	\$ 1,940.88

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of Township of West Windsor that the contract for the 2024 Public Lands Maintenance-Turfgrass and Stormwater Detention Basins Maintenance and Open Space Lands be renewed with On-Site Landscape Management, Inc., 203 Sweetmans Lane, Millstone, NJ, and PO Box 294, Perrineville, NJ 08535, and the Mayor and Clerk are authorized to execute said contract.

Adopted: January 29, 2024

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

Gay M. Huber
Township Clerk
West Windsor

REQUEST FOR COUNCIL ACTION

Date of Request: January 8, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of a professional services agreement for Miscellaneous Engineering Services. The above Agreement provides for ad hoc assistance to the Township Engineer for studies or tasks supplemental to the in-house Engineering services.

This Agreement also allows for engineering conformance reviews and inspection services in the developments on behalf of the Township, with charges for those activities to be billed against the developers' plan review and inspection fee escrow accounts.

ACT Engineers, Inc.

SOURCE OF FUNDING: Engineering – Consultant Fees 105-30-210

CONTRACT AMOUNT: \$500.00

CONTRACT LENGTH: until December 31, 2024

OTHER SUPPORTING INFORMATION ATTACHED:

- | | | |
|---------------------------------|-------------------------------------|------------------------|
| Resolution | Affirmative Action Contract | Business Entity |
| Proposal – Exhibit A | Business Registration Certification | Political Contribution |
| Certification of Funds | Certificate of Information Report | Stockholder Disclosure |
| Professional Services Agreement | Combined Russia Belarus & Iran Form | |
| Affidavit of Compliance | | |

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Francis Guzik 1/12/24
Department/Division Head _____ Date _____

APPROVED FOR AGENDA OF: January 29, 2024

By: Marlena A. Schmid
Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 Ordinance # _____ Resolution # 2024-2046

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor requires 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, the Township wishes to enter into a services agreement with ACT Engineers, Inc. for the aforesaid services; and

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

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$500.00</u>
Account Title	Account Number	Amount

WHEREAS, the maximum amount of the contract is subject to the final adoption of the 2024 Local Municipal Budget and funds are available through various developers' escrow accounts; and

WHEREAS, additional services may be required for various capital projects as assigned and may be certified to if funds are available as certified by the Township's Chief Financial Officer.

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, Inc. to cover the period January 29, 2024 through December 31, 2024.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services, including development inspection services pursuant to its proposal dated January 4, 2024. The Agreement is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-1-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Agreement between the Township and ACT Engineers, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: January 29, 2024

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

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: January 9, 2024

Initiated By: John B. Taylor Division/Department: Engineering/Comm. Dev.

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of a professional services agreement with ACT Engineers to provide professional engineering services for construction of the Southfield Road and South Post Road Sewer Capacity Improvements Project. West Windsor Township has a need for construction shop drawing review and design support services. The Township Engineer is recommending a contract be awarded to ACT Engineers.

SOURCE OF FUNDING:

Account Title	Account Number	Amount
Sewer Collection System & Pump Station Improvements	405 2023 10 001	\$49,000.00

CONTRACT AMOUNT: \$49,000.00

CONTRACT LENGTH: duration of construction project

OTHER SUPPORTING INFORMATION ATTACHED:

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

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW


1/12/24

Department/Division Head Date

APPROVED FOR AGENDA OF: January 29, 2024

By: 

Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 Ordinance # _____ Resolution # 2024-2047

Council Action Taken:

RESOLUTION

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

WHEREAS, ACT Engineers has submitted a proposal dated December 15, 2023 indicating they will provide said professional engineering services for the Southfield Road and South Post Road Sewer Capacity Improvements project in the total amount of \$49,000; and

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

Sewer Collection System & Pump Station Improvements	405 2023 10 001	\$49,000.00
-----------------------------------------------------	-----------------	-------------

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, a Professional Services Agreement with ACT Engineers, with a performance period concurrent with the construction project from the date of project initiation for construction shop drawing review and design support services, for an amount not to exceed \$49,000.
- (2) The Professional Service Agreement so authorized shall require the Provider to provide professional services pursuant to its proposal received December 15, 2023. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Agreement between the Township and 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: January 29, 2024

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 24th day of January 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: December 21, 2023

Initiated By: John Taylor Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing the awarding of a Contract for the 2022 Annual Road Improvement Program to Earle Asphalt Company of Wall, NJ. This project includes, but is not limited to, milling, paving, striping, curbing, ADA sidewalk ramp improvements and crosswalk improvements within the municipal rights-of-way for Birdsall Way, Carnegie Center Boulevard West, Channing Way, Colonial Avenue, Dunbar Drive, Forest Lane, Greene Court, Greene Drive, Lake View Court, Lanark Drive, Steele Drive, and a portion of Melville Road. The Township received seven (7) bids for this work. The Township Engineer is recommending that this contract be awarded to Earle Asphalt Company as the lowest responsive and responsible bidder.

SOURCE OF FUNDING:

Roadway Improvements	405 2020 14 013	\$ 685,313.13
Roadway Improvements	405 2021 14 012	\$1,250,000.00

CONTRACT AMOUNT: \$1,935,313.13

CONTRACT LENGTH: 120 days from notice to proceed

OTHER SUPPORTING INFORMATION ATTACHED:

- | | |
|---------------------------------|-----------------------------------|
| Resolution | Affirmative Action Contract |
| Engineering Recommendation Memo | Business Registration Certificate |
| Certificate of Funds | Certificate of Information Report |
| Agreement | Public Works Certificate |
| Affidavit of Compliance | Map |

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Simon Gyle 1/12/24

Department/Division Head Date

APPROVED FOR AGENDA OF: January 29, 2024

By: *Marlena A. Schmid*

Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 Ordinance # _____ Resolution # 2024-R048

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need for road repairs, resurfacing and other improvements within various Township maintained rights-of-way; and

WHEREAS, said contracts for the 2022 Roadway Improvement Program were put out to public bid seeking bids for this project and said bids were opened on 2:00 P.M., Wednesday, December 13, 2023.

WHEREAS, the Township has received seven (7) bids from the following bidders:

<u>Company</u>	<u>Base Bid</u>
Earle Asphalt Company	\$1,935,313.13
Lucas Brothers Inc.	\$2,138,000.00
Top Line Construction	\$2,170,492.28
MECO, Inc.	\$2,261,893.50
S&G Paving	\$2,300,071.96
Capital Paving and Contracting LLC	\$2,317,805.19
P.M. Construction Corp	\$2,479,752.50

WHEREAS, the Township staff has reviewed all bids and determined the lowest responsive and responsible bid was submitted by Earle Asphalt Company; and

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

Roadway Improvements	405 2020 14 013	\$ 685,313.13
Roadway Improvements	405 2021 14 012	\$1,250,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the contract for the Roadway Improvements at Meadow Road Project be awarded to Earle Asphalt Company, 1800 Route 34-Bldg 2-Suite 205, Wall NJ 07719 and the Mayor and Clerk are authorized to execute said contract.

NOW BE IT FURTHER RESOLVED, this contract is awarded pursuant to a fair and open process.

Adopted: January 29, 2024

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

Gay M. Huber,
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: January 9, 2024

Initiated By: John Taylor Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing the awarding of a Contract for the Southfield Road and South Post Road Sewer Capacity Improvements to Earle Asphalt Company of Wall, NJ. This project includes the installation of new sewer mains, upgrades to sewer mains, installation of a new forcemain to serve the Southfield Road Pump Station, as well as upgrades to the South Post Road Pump Station at Block 28,02 Lot 31.01 in West Windsor Township. The Township received three (3) bids for this work. The Township Engineer is recommending that the contract for Base Bid Plus Alternate #2 be awarded to Earle Asphalt Company as the lowest responsive and responsible bidder.

SOURCE OF FUNDING:

Sewer Collection System & Pump Station Improvements 405 2023 10 001 \$4,723,945.78

CONTRACT AMOUNT: \$4,723,945.78

CONTRACT LENGTH: 300 days from notice to proceed

OTHER SUPPORTING INFORMATION ATTACHED:

- | | |
|---------------------------------|-----------------------------------|
| Resolution | Affirmative Action Contract |
| Engineering Recommendation Memo | Business Registration Certificate |
| Certificate of Funds | Certificate of Information Report |
| Agreement | Public Works Certificate |
| Affidavit of Compliance | Map |

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John Taylor 1/17/2024
Department/Division Head Date

APPROVED FOR AGENDA OF: January 29, 2024

By: Marlena A. Schmid
Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 Ordinance # _____ Resolution # 2024-2049

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need for capacity upgrades to the existing municipal sanitary sewer infrastructure; and

WHEREAS, said contracts for the Southfield Road and South Post Road Sewer Capacity Improvements Project were put out to public bid seeking bids and said bids were opened on 2:30 P.M., Tuesday, December 5, 2023; and

WHEREAS, the Township has received three (3) bids from the following bidders:

<u>Company</u>	<u>Base Bid Plus Alternate #2</u>
Earle Asphalt Company	\$4,723,945.78
Metra Industries	\$5,911,614.00
Spinello Companies	\$7,475,819.00

WHEREAS, the Township staff has reviewed all bids and determined that the lowest responsive and responsible bid was submitted by Earle Asphalt Company; and

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

Sewer Collection System & Pump Station Improvements	405 2023 10 001	\$4,723,945.78
-----------------------------------------------------	-----------------	----------------

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the contract for the Southfield Road and South Post Road Sewer Capacity Improvements Project, Base Bid Plus Alternate #2, be awarded to Earle Asphalt Company, 1800 Route 34-Bldg 2-Suite 205, Wall NJ 07719 and the Mayor and Clerk are authorized to execute said contract.

Adopted: January 29, 2024

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

Gay M. Huber,
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: January 9, 2024

Initiated By: John Taylor Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of a professional services agreement with Roberts Engineering Group, LLC to provide professional engineering inspection and construction administration services for the Southfield Road and South Post Road Sewer Capacity Improvements Project. Roberts Engineering Group, LLC provided a responsible and qualified fee proposal for these services. The Township Engineer is recommending a contract be awarded to Roberts Engineering Group, LLC.

SOURCE OF FUNDING:

Sewer Collection System & Pump Station Improvements 405 2023 10 001 \$310,000.00

CONTRACT AMOUNT: \$310,000.00

CONTRACT LENGTH: Duration of construction project

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution	Affirmative Action Contract	Proposal – Exhibit A
Political Contribution Disclosure	Certification of Funds	Business Entity Disclosure
Professional Services Agreement	Stockholder Disclosure	Engineer’s Memorandum
Business Registration Certification	Affidavit of Compliance	Certificate of Information Report
Project Location Map		

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

_____ *[Signature]* 1/12/24
Department/Division Head Date

APPROVED FOR AGENDA OF: January 29, 2024

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

MEETING DATE: 1/29/24 Ordinance # _____ Resolution # 2024-2050

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional engineering construction administration and observation services; and

WHEREAS, Roberts Engineering Group, LLC, has submitted a proposal dated December 6, 2023 indicating they will provide professional engineering construction administration and observation services for the Southfield Road and South Post Road Sewer Capacity Improvements Project for \$310,000.00; and

WHEREAS, the Township wishes to enter into a Professional Services Agreement with Roberts Engineering Group, LLC, for the aforesaid services; and

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

Sewer Collection System & Pump Station Improvements	405 2023 10 001	\$310,000.00
-----------------------------------------------------	-----------------	--------------

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 Roberts Engineering Group, LLC, with a 300-day performance period from the date of project initiation, for an amount not to exceed \$310,000.00;
- (2) The Agreement so authorized shall require the Provider to provide professional engineering construction administration and observation services pursuant to its proposal dated December 6, 2023. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Agreement between the Township and Roberts Engineering Group, LLC, P.C. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: January 29, 2024

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

Gay M. Huber,
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: January 12, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a Resolution granting reservation of sewer capacity and also authorizing the execution of the required Treatment Works Approval Permit (TWA) application to the New Jersey Department of Environmental Protection for the project known as Marketfair South (PB23-09) located within Block 27.15, Lot 14.04. The conversion of space from retail to restaurant is estimated to generate an increase in average wastewater flow of 8,479 gallons per day.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

- Resolution
- Engineer's Memorandum
- Request Letter
- Map

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

 1/12/24
Department/Division Head Date

APPROVED FOR AGENDA OF: January 29, 2024

By: 
Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 **Ordinance #** _____ **Resolution #** 2024-R051

Council Action Taken:

RESOLUTION

WHEREAS, Marketfair, through its professional consultant, has submitted a request for a reservation of sewer capacity in the public sewer system for the project known as Marketfair South (PB23-09) located within Block 27.15, Lot 14.04; and

WHEREAS, the proposed conversion of 13,212 s.f. of retail to 280-seat restaurant results in an estimated increase in average daily flow of 8,479 gallons per day (gpd) of wastewater from the property; and

WHEREAS, the proposed increase requires a Treatment Works Approval Permit from the New Jersey Department of Environmental Protection; and

WHEREAS, the Township Engineer has certified there is sufficient capacity in the downstream sanitary sewer system to accommodate the estimated increase in average daily flow of wastewater.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that a reservation of sewer capacity in the amount of 8,479 gpd is hereby granted for the project known as Marketfair South (PB23-09) located within Block 27.15, Lot 14.04.

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

BE IT FURTHER RESOLVED that the Township Engineer be and hereby is authorized to execute the endorsement of the New Jersey Department of Environmental Protection Treatment Works Approval Permit application, as required to implement this Resolution, upon submission of final design/construction plans and specifications acceptable to the Township Engineer.

Adopted: January 29, 2024

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 29th day of January 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: January 12, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Request Township Council authorization for the Township Land Use Manager and Chief Financial Officer to execute the Supplemental Funding Request Form – Acquisition Projects with NJDEP-Green Acres for a \$1,126,494.00 Open Space Grant.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Enabling Resolution
Memorandum from Samuel J. Surtees dated 1-2-24 with four (4) attachments
2024 Planning Incentive & Site Specific Incentive Eligibility Certification
Supplemental Funding Request Form- Acquisition Projects

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

[Signature] 1-17-24 Sam Surtees 1/17/24
Department/Division Head Date

APPROVED FOR AGENDA OF: January 29, 2024

By: Marlena Schmid
Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 **Ordinance #** _____ **Resolution #** 2024-0052

Council Action Taken:

RESOLUTION

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM

ENABLING RESOLUTION

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

WHEREAS, the Township of West Windsor has previously obtained a Green Acres grant of \$8,525,000.00 from the State to fund the following project(s):

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

WHEREAS, the Township of West Windsor desires to further the public interest by obtaining an additional Green Acres grant of \$ 1,126,494.00 to fund the project(s); and

WHEREAS, the State shall determine if the supplemental funding request is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project.

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

1. Samuel J. Surtees, Land Use Manager and John V. Mauder, Chief Financial Officer are hereby authorized to:
 - (a) request such a grant,
 - (b) provide additional information and furnish such documents as may be required; and
 - (c) act as the authorized correspondent of the above-named applicant; and
2. The applicant agrees to provide the local government/nonprofit share if a match is required.
3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
4. This resolution shall take effect immediately.

CERTIFICATION

Adopted: January 29, 2024

I, Gay M. Huber, Township Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the West Windsor Township Council at their meeting held on the 29th day of January, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: December 27, 2023

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction of Capital Improvement Ordinance Providing for Bikeway Improvements North Post Rd connection to South Post Rd Bikeway at Village Rd West and Other Related Expenses Appropriating \$330,000.00.

SOURCE OF FUNDING:

This Project is Fully Funded by New Jersey Department of Transportation (NJDOT) Fiscal Year 2022 Bikeway Program for LA-2022 Bike.

CONTRACT AMOUNT:

N/A

CONTRACT LENGTH:

N/A

OTHER SUPPORTING INFORMATION ATTACHED:

NJDOT Award Letter

S:\AGENDA INBOX (file name) 2024-DOT- Capital Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 12/27/2023
Department/Division Head Date

APPROVED FOR AGENDA OF: January 29, 2024

By: Marlena Schmid
Marlena Schmid, Business Administrator

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

MEETING DATE: 1/27/24 Ordinance # 2024-01 Resolution # _____

Council Action Taken:

2024-01

TOWNSHIP OF WEST WINDSOR

CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$330,000.00

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 \$330,000.00.

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

GENERAL IMPROVEMENT APPROPRIATIONS

Bikeway Improvements North Post Rd connection to South Post Rd Bikeway at Village Rd West	\$330,000.00
-------------------------------------------------------------------------------------------	--------------

TOTAL	\$330,000.00
-------	--------------

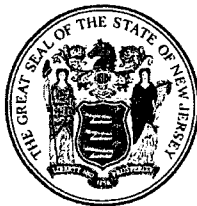
SECTION 3. The improvement described in Section 2 of this Capital Improvement Ordinance is to be financed with a NJDOT Grant:

(NJDOT) Fiscal Year 2022 Bikeway Program for LA-2022 Bike	\$330,000.00
-----------------------------------------------------------	--------------

TOTAL	\$330,000.00
-------	--------------

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:	January 29, 2024
PUBLIC HEARING:	February 12, 2024
ADOPTION:	
MAYOR APPROVAL:	
EFFECTIVE DATE:	



State of New Jersey
DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

February 16, 2022

The Honorable Hemant Marathe
Mayor, West Windsor Township
271 Clarksville Road
PO Box 38
West Windsor Township, New Jersey 08550

Dear Mayor Marathe,

I am pleased to inform you that your community has been selected to receive funding from the New Jersey Department of Transportation's (NJDOT) Fiscal Year 2022 Bikeway Program for LA-2022 BIKE West Windsor Township North Post Rd Connection to South Post Rd Bikeway at Village Road West 11 in the amount of \$330,000.00.

NJDOT recognizes the role that transportation plays in advancing smart growth initiatives. The Department encourages and supports the building of bike paths and physically separated bike lanes throughout our State. The completion of West Windsor Township's project will help us achieve this goal and pursue a transportation strategy that provides mobility while preserving the natural beauty of our state without increasing the tax burden on the residents of New Jersey.

Please note that all processes for your project from the notification (including invoice submission) through the final close out will be completed through PMRS, the Project Management & Reporting System. Should you have any questions regarding your grant or PMRS, please contact the NJDOT Local Aid District Office in your area:

District 1 - Mt. Arlington - 973-810-9120
District 2 - Newark - 973-877-1500

District 3 - Trenton - 609-963-2020
District 4 - Cherry Hill - 856-414-8414

Again, thank you for your support of this program and good luck with your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Gutierrez-Scaccetti".

Diane Gutierrez-Scaccetti
Commissioner

cc: Municipal Clerk
Municipal Engineer

REQUEST FOR COUNCIL ACTION

Date of Request: January 4, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Ordinance for the adoption of an amendment to the West Windsor Township Code, Chapter 150, Stormwater Pollution Prevention Plan (SP3). The NJDEP has issued draft standards for proper storage of privately-owned de-icing materials so as to minimize their potential to contribute towards stormwater pollution. The Township is required to adopt similar standards in order to remain in compliance with the Municipal Stormwater Discharge Permit re-authorized by the State in 2023.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Draft Ordinance West Windsor State Letter
Township Engineer memorandum

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Francis Guzik 1/4/2024
Department/Division Head Date

APPROVED FOR AGENDA OF: January 29, 2024

By: Marlena A. Schmid
Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 Ordinance # 2024-02 Resolution # _____

Council Action Taken:

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

ORDINANCE NO. 2024-02

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 150 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY
MODIFYING PROVISIONS PERTAINING TO STORMWATER POLLUTION
PREVENTION REGULATIONS (DE-ICING MATERIALS)**

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

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

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

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

WHEREAS, the State is requiring the adoption of regulations pertaining to the proper storage of privately-owned de-icing materials in order to address them as a potential pollutant source.

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

Section 1. Chapter 150 of the Code of the Township of West Windsor (1999), Stormwater Pollution Prevention Plan (SP3), is hereby amended by addition of the following text:

Article IX Privately-Owned De-Icing Material Storage

§ 150-39. Purpose:

The purpose of this article is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This article establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by a public entity (privately-owned),

including residences, within West Windsor Township so as to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 150-40. Definitions:

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

DE-ICING MATERIAL

Any granular or solid material such as salt or any other granular solid that assists in the melting of snow. May be in combination with sand or other insoluble material used to improve traction. "Loose" materials are those not contained within a sealed bag or container.

ENVIRONMENTALLY CONSTRAINED AREA

The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership, such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

IMPERVIOUS SURFACE

A surface that has been sufficiently compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

STORM DRAIN INLET

The point of entry into the stormwater collection system, whether inlet, catch basin, manhole or other device.

PERMANENT STRUCTURE

A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled. New structures require a door or other means of sealing the access way from wind-driven precipitation.

A fabric frame structure is a permanent structure if it meets all of the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll-up door or other means of sealing the access way from wind-driven precipitation.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of the State of New Jersey subject to municipal jurisdiction.

RESIDENT

A person who resides on a property where de-icing material is stored.

STORMWATER FACILITY

Infrastructure related to conveyance, collection or control of stormwater, including, but not limited to, catch basins, infiltration basins, detention basins, green infrastructure, filter strips, porous pavement, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet basins, bioretention systems, low flow bypasses, swales, ditches and other stormwater conveyances.

§ 150-41. De-Icing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials is allowed between October 15th and April 15th of each calendar year, subject to the following requirements:
 1. De-icing material shall be placed on a flat, impervious surface in a manner that prevents saturation of the material by precipitation and the creation of stormwater runoff;
 2. De-icing materials shall be placed at least fifty (50) feet from surface water bodies, storm drain inlets, stormwater facilities, environmentally constrained areas, ditches and/or other stormwater conveyance channels;
 3. Loose de-icing materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, spilled and tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone prior to ending each day's activities;
 4. Loose de-icing materials shall be entirely covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);

- c. The cover shall be free from holes, tears and other unsealed openings;
 - d. The cover shall be secured and weighted down around its perimeter to prevent displacement by wind;
 - e. The cover shall be placed in a manner to minimize puddling of precipitation on top of same; and
 - f. Weight shall be placed on the cover in a manner that minimizes the potential of exposure as stored materials shift, precipitation accumulates on top of the cover and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly, and poly-cord nets are two examples of suitable methods.
 - (2) Items that can puddle water (e.g., old tires) shall not be used;
5. Containers must be sealed when not in use; and
6. The site shall be free of outdoor storage of all de-icing materials between April 16th and October 14th of each calendar year.
- B. Permanent structure. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of de-icing materials in a permanent structure, such storage may be permanent, and thus not limited to October 15 -April 15.
- C. Regulatory approvals. Both permanent and temporary structures must comply with all bulk, use & area requirements of the zoning district in which the structure is located, and shall secure a Zoning Permit prior to construction, erection or use. Permanent and temporary structures must comply with all applicable provisions of the NJ Uniform Construction Code and, where required, a valid Construction Permit is required to be obtained from the Township Division of Code Enforcement prior to the start of construction.
- D. Inspections and record keeping. The property owner shall designate a person or persons responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this article are met. This may be the owner of the de-icing materials, if different from the property owner. Inspection records shall be maintained and kept on-site and made available to West Windsor Township upon request.
1. A home occupation, as defined in Chapter 200 Land Use, that utilizes de-icing materials is required to perform weekly inspections.

§ 150-42. Exemptions:

- A. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the

de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur as soon as practicable and no later than two (2) weeks.

- B. If containerized de-icing materials (e.g. in bags or buckets) are also stored within a permanent structure, then they are not subject to the storage and inspection requirements in §150-41 above. Piles of loose de-icing materials are not exempt, even if stored in a permanent structure.
- C. This article does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under a NJPDES permit.

§ 150-43. Enforcement:

This ordinance shall be enforced by the Police, Zoning Officer and/or their designee of the Township of West Windsor during the course of ordinary enforcement duties.

§ 150-44. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this article shall have seventy-two (72) hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in penalties to be imposed on violators as provided in Chapter 1, General Provisions, Article II, Penalty, § 1-3, General penalty, of the Township Code.

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

Section 3. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral vote by the Council, whichever is applicable; and upon publication according to law.

INTRODUCTION: January 29, 2024

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE:


TOWNSHIP OF WEST WINDSOR

Community Development Department

Division of Engineering

MEMORANDUM

TO: Marlena Schmid, Business Administrator

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

SUBJECT: Proposed Township Code Addition
Part 2 General Legislation
Chapter 150 Stormwater Pollution Prevention Plan (SP3)

DATE: January 4, 2023

With the State's reauthorization of the permitting for municipal separate storm sewer systems (MS4) in 2023, the State NJDEP included requirements for municipalities to adopt two additional community-wide ordinances related to stormwater pollution prevention. These are identified in Permit section F. "Minimum Standards for Pollution Prevention/Good Housekeeping for Municipal Operators" as:

- 1.b.i. Privately-Owned Salt Storage Ordinance: Adopt and enforce an ordinance requiring that piles of salt and other solid (granular) de-icing materials which are not stored in a permanent structure be covered by tarping when not in use and secured in a way to prevent its exposure to rain, snow, or stormwater run-on; and
- 1.b.ii. Tree Removal/Replacement Ordinance: Adopt and enforce an ordinance to control tree removal and replacement to reduce stormwater runoff and pollutants, and to promote infiltration of rainwater into the soil.

A draft model of each ordinance has been circulated by the State to each municipality. The permit requires each Township to adopt these regulations by May 1, 2024. At this time the Engineering Division is prepared to move forward with the Privately-Owned Salt Storage Ordinance, retitled to "Privately-Owned De-Icing Material Storage". The State's model language was reviewed and amended to reflect the Township's formatting and numbering standards. The Ordinance to be presented to Township Council for adoption has been reviewed by Township staff. Minor comments received from other divisions have been incorporated therein.

The Tree Removal/Replacement Ordinance draft is currently under review with Shade Tree Committee for refinements and is expected to be ready to move forward with Township Council this Spring.

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

FG

Admin De-Icing Storage FG 240104.docx

REQUEST FOR COUNCIL ACTION

Date of Request: 1/22/24

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance amending Sections 200-209; 200-210; Use, Bulk & Area Regulations for the ROM-1 (Research, Office, Limited Manufacturing) Zoning District

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from Samuel J. Surtees dated 12/19/23
Ordinance
Map

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

[Signature] 1.22.24 [Signature] 1/22/24
Department/Division Head Date

APPROVED FOR AGENDA OF: 1/29/2024

By: [Signature]
Marlena Schmid, Business Administrator

MEETING DATE: 1/29/24 Ordinance # 2024-03 Resolution # _____

Council Action Taken:

ORDINANCE 2023-03

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR ENTITLED
LAND USE, PART IV ENTITLED ZONING, ARTICLE XXIX ENTITLED
REGULATIONS FOR RESEARCH/OFFICE/MANUFACTURING,
RESEARCH/OFFICE AND RESEARCH AND DEVELOPMENT DISTRICTS, SECTION
200-209 ENTITLED ROM-1 INDUSTRIAL DISTRICT (RESEARCH, OFFICE,
LIMITED MANUFACTURING) USE REGULATIONS AND SECTION 200-210
ENTITLED DISTRICT BULK AND AREA REGULATIONS**

WHEREAS, the ROM-1 Industrial District permits, amongst other uses, mixed-use planned developments which may include affordable housing as an integral part of any such development; and

WHEREAS, the standards set forth for affordable housing as an integral part of a mixed-use planned development have been found to be vague and therefore been misinterpreted; and

WHEREAS, the inclusion of affordable housing as an integral part of a mixed-use planned development as a permitted use in the ROM-1 Industrial District has not in fact contributed to the production of affordable housing in the Township of West Windsor; and

WHEREAS, the Township adopted a Housing Element and Fair Share Plan (HE&FSP) which was prepared pursuant to a Settlement Agreement between the Township of West Windsor and the Fair Share Housing Center (FSHC) dated October 9, 2018 and amended October 30, 2018; and

WHEREAS, the Township's HE&FSP outlines the manner in which the Township of West Windsor will address its affordable housing obligation; and

WHEREAS, neither the Township's HE&FSP nor its Settlement Agreement with FSHC rely upon the ROM-1 Industrial District as a means to address its affordable housing obligation so the inclusion of affordable housing as a part of a mixed-use planned development in the zoning standards is recommended to be removed; and

WHEREAS, additional modifications are provided to better clarify the permitted uses and required standards of the ROM-1 District.

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

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXIX, Regulations for Research/Office/Manufacturing, Research/Office and Research and Development Districts, Section 200-209, ROM-1 Industrial District (research, office, limited manufacturing) use regulations, Subsection A, Permitted Uses, Item (8) is amended as follows. Added text is use planned underlined, and text being eliminated is struck-through.

(8) Commercial Mixed-use development, notwithstanding any other requirements of this Part 4, except as changed herein, shall also be subject to the following special requirements:

(a) Permitted uses:

- [1] All those permitted and accessory uses within the ROM-1 District.
- [2] Research and business development incubator facilities, providing flexible designed spaces that can accommodate shared administrative, laboratory, computer and related research support services, including limited manufacturing facilities.
- [3] Conference center.
- [4] Hotel.
- [5] Business support uses primarily intended to service the commercial mixed-use park tenant needs, to include, but not be limited to, health clubs, child-care facilities, convenience retail, professional offices and service uses, branch banks (excluding drive-through facilities), restaurants, package shipment collection points, business libraries, travel agencies, recreational facilities and similarly related activities.
- {6} ~~Affordable housing as an integral part of a mixed use planned development, subject to the following provisions:~~
 - {a} ~~Dwelling unit type, bulk and density standards shall be governed by the criteria contained in § 200-183, regarding the R-4B District, of this Part 4.~~
 - {b} ~~Affordable housing units shall comply with the affordability criterion and other provisions governing such units as contained in § 200-237, Application and interpretation of low/moderate income housing provisions, of this Part 4.~~
 - {c} ~~There shall be no more than one affordable housing project located within any one mixed use planned development.~~

- ~~[d] Location of housing within a planned development shall be conducive to fostering a residential neighborhood environment and shall be accessible to the development's common open space and public facilities or shopping services, if provided.~~
 - ~~[e] Recreational uses shall be appropriately buffered from nonresidential uses within the planned development and shall comply with landscape buffer requirements contained in Part 3, Subdivision and Site Plan Procedures, of this chapter. To the extent practicable, residential uses shall be in proximity to other residentially zoned areas of comparable dwelling unit type and density which may be adjacent to the ROM 1 District. Accessibility to public transportation or provisions for such accessibility shall be provided within the overall site design of such residential uses.~~
 - ~~[f] Residential areas shall be provided with appropriate active recreational facilities as governed by recreational design criteria contained in § 200-36C of Part 1, Site Plan Review, of this chapter.~~
- (b) Minimum commercial mixed-use planned development area: 20 acres in contiguous parcels not separated by an existing street, and served by public water and sewer systems.
 - (c) Minimum lot area within commercial mixed-use development: four acres.
 - (d) Minimum commercial mixed-use development and lot frontage: 300 feet.
 - (e) Commercial Mixed-use development design, building arrangement, lot width, frontage, depth and yards.
 - [1] The mixed-use design shall be based on a planned development concept providing for a unified Master Plan governing the land use, circulation, open space and utility needs of the development. Comprehensive design guidelines for building and site layout as well as landscape treatment shall be provided along with provision for maintenance of common areas and spaces. The Plan shall also contain a staging component to ensure the orderly completion of the project in relationship to the capacity of the existing or planned infrastructure to absorb a particular stage or stages of the development. Such staging component shall be consistent with any Township timed growth control ordinance that may be in effect.

[2] Buildings, lots, yard sizes and dimensions may be freely disposed and arranged and shall conform to the provisions of Part 1, Site Plan Review, of this chapter, and subject to the minimum standards below. The Planning Board may reduce the following standards for setback requirements from internal access roads of a commercial mixed-use development based on an approved Master Plan for the planned development, provided that such reduction does not create undesirable visual and spatial impacts on abutting properties or when viewed from the public right-of-way.

[a] Minimum setback from the street line: 100 feet for lots located along a commercial mixed-use development internal access road with a fifty-foot landscape area at the street right-of-way; and 125 feet with a seventy-five-foot landscape area at the street right-of-way when located along arterial roads as designated on the Township's Circulation Master Plan.

[b] Minimum setback from side and rear property lines: 40 feet, except where such yards are located on the perimeter of the commercial mixed-use development, they shall be 50 feet. Yards that abut a residential zone district line shall be increased according to the requirements set forth within the bulk standards for the ROM-1 District.

[c] Where more than one structure is located on a lot within the planned development, the structures shall be no closer to each other than 35 feet or the average height of the structure, whichever is greater.

(f) Maximum building height and placement: six stories, but not more than 75 feet, provided that four or more storied buildings conform to the following standards, notwithstanding other provisions of this article to the contrary:

[1] Four or more storied buildings shall be located only within a band 1,800 feet in width as measured from the right-of-way line of Route 1. An optional band width plan may be proposed to achieve an average width across the entire development tract of 1,800 feet, provided that such optional plan does not exceed 2,000 feet at its widest when measured parallel to the Route 1 right-of-way line. However, where such an averaging plan is proposed, those portions of a development tract abutting or opposite the plan projection of a residential zone district shall be located in a band width containing not more than 1,800 feet.

- [2] The minimum setback requirements from arterial or collector roads as designated in the Township's Circulation Master Plan shall be increased an additional three feet of setback for every one foot of building height which exceeds 45 feet.
 - [3] Building heights may vary up to six stories, provided that the maximum floor area of the stories above a three-storied building shall not exceed 25% of the total FAR for the planned development as may be approved on a preliminary development application.
- (g) Common open space design covenants, conditions and restrictions: The organization, administration and financial arrangements and guaranties governing the common open space or other common facilities which may be a part of the park shall be subject to the requirements set forth for planned residential developments in Article XVII of this Part 4. Furthermore, a document containing the design covenants, conditions and restrictions governing the internal implementation of the commercial mixed-use Master Plan shall be prepared by the applicant, addressing the following items: regulation of operations and uses permitted within the planned development, design guidelines for site improvements and buildings, a design review procedure, restrictions during construction and maintenance guidelines and standards regarding common open space, on-site landscaping and all paved surfaces.
- (h) Development staging program.
- [1] A program identifying the various stages of the development, including the necessary on-site, off-site and off-tract improvements to support each stage of the development shall be prepared by an applicant. In addition, the plan shall include:
 - [a] Adequate protection to ensure the completion of each stage through the use of maintenance and performance guaranties, covenants and other formal agreements.
 - [b] Proof that the stage is substantially self-functioning and self-sustaining with regard to access, utility services, parking, common open space, all amenities and other similar physical features. Further, each stage shall be capable of occupancy, operation and maintenance upon completion of construction and development of that stage or, in the case of subsequent stages, such subsequent stages shall likewise be in harmony with those under construction or in place. It is not intended that the creation of a tract-wide stormwater management system or

other common elements be precluded by the above individual stage self-sustaining requirement. If a particular stage is dependent upon a common ~~detention~~ stormwater management system located in another stage, then adequate assurances are to be provided so that its construction supports the development stage for which approval is being sought.

[c] Proof that each stage is properly related to every other segment of the planned development and to the community as a whole and to all necessary community services which are available or which may be needed to serve the planned development in the future

[d] A description of the off-tract and off-site improvements that would be necessitated by each respective stage and proposed responsibility for construction of such improvements, including pro rata share computations, according to the Township's Off-Tract Improvement Ordinance, if as appropriate. ~~If the proposed development is located within a designated transportation improvement district (TID), then the applicable regulations of that TID shall govern the calculation of the pro rata share for off-tract road improvements.~~

[2] The Planning Board in its review of the adequacy of the length and timing of the staging program and the extent of off-site and off-tract improvements associated with the initial stage of development or a subsequent stage seeking final approval shall be guided by any Township timed growth control ordinance as well as traffic management or trip reduction policies and/or ordinances that may be in effect.

(i) ~~Affordable housing incentives:~~

[1] ~~At least 100 affordable housing units may be provided within a mixed use planned development. For every unit constructed on-site, an additional 550 square feet of nonresidential use over and above the maximum development program proposed by an applicant shall be permitted. Such additional nonresidential square footage shall not be utilized in the calculation of either off-tract improvement obligations or pro-rata contributions for off-tract infrastructure improvements.~~

[2] ~~In lieu of on-site affordable housing construction, dedication to the Township of a suitable area for such housing construction by a Township designee of at least 15 acres for each 100 affordable units or~~

~~portion thereof within the planned development may be offered. For the provision of such a site area, an additional 50 square feet of nonresidential use over and above the maximum development program proposed by an applicant shall be permitted for each dwelling unit to be constructed. Such additional nonresidential square footage development potential shall not be utilized in the calculation of either off tract improvement obligations or pro rata contributions for off tract infrastructure improvements.~~

Section 2. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXIX, Regulations for Research/Office/Manufacturing, Research/Office and Research and Development Districts, Section 200-210, ROM-1 District Bulk and Area Standards, Subsection E, Minimum Yards, is amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

E. Minimum yards:

- (1) Front yard: 125 feet with a seventy-five-foot landscape area at the street right-of-way.
- (2) Rear yard: 40 feet.
- (3) Side yards: There shall be two side yards with a minimum of 40 feet each.
- (4) Yards abutting residential districts.
 - (a) The above yards, including the landscape transition buffer and screen requirements, shall be increased by 35 feet in those instances where they abut, in whole or in part, a residential zone district or lot line.
 - (b) Furthermore, in those instances involving greater than a two-story building or structure with an associated parking facility ~~for both nonresidential and residential uses~~, the minimum setbacks as measured to the nearest residential district zone line shall be as set forth below. These increased setback requirements shall apply only to a development application which contains a planned commercial development.
 - [1] For buildings and structures the minimum setback shall be 500 feet.
 - [2] For pervious surfaces and impervious surfaces the minimum setback shall be 300 feet.
 - (c) The Planning Board may reduce these setback standards, but in no event shall the setback be reduced by more than 50%, upon a satisfactory showing by the applicant that, through the provision of berming and landscaping, or in combination with building site placement, a complete

visual screen of ~~all the nonresidential~~ uses is achieved when viewed from existing grade level at an adjacent residential property line. The following criteria shall be used as a guide by the Planning Board in its review of a request to relax the increased setback standards:

- [1] The height of berm and its associated landscaping, including the density of plant material on the berm, shall be increased above the minimum buffer requirements established by the Township's landscape standards contained in § 200-91P of Part 3, Subdivision and Site Plan Procedures, of this chapter. Such increase in berm height or plant materials or combinations thereof shall be provided so that the proposed structure is not visible above the proposed buffer at the reduced setback line when viewed from existing grade level at the adjacent residential property line. An effective visual buffer shall be established within two growing seasons of its initial installation.
- [2] Grading and planting plans, together with site section drawings showing lines of sight from a residential property line, shall be provided to demonstrate a site plan's conformance with these requirements.

Section 3. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 4. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

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

TOWNSHIP OF WEST WINDSOR
Community Development Department
Division of Land Use

TO: Marlena Schmid
Business Administrator

FROM: Samuel J. Surtees
Manager, Division of Land Use

SUBJECT: Proposed Ordinance Revisions to:
Section 200-209; 200-210
(ROM-1 Use, Bulk, Area Regulations)

DATE: December 19, 2023

The proposed ordinance is intended to update and better clarify the permitted uses and required standards of the ROM-1 District, predominately by removing “affordable housing as an integral part of a mixed use planned development” from the list of permitted uses.

By way of background, the ROM-1 District had previously encompassed a significantly greater portion of the Township. At that time, the ROM-1 District had identified affordable housing as, “an integral part of a mixed used planned development” as a mechanism to encourage the production of affordable housing. Such units, the entirety of which are to be affordable, are only permitted to be developed in conjunction with a mixed-use planned development consisting of other permitted non-residential units. This provision is not intended to permit any market – rate residential units.

Since the adoption of the provision, the ROM-1 District has not in fact, contributed to the production of affordable housing. Furthermore, the Township adopted a Housing Development and Fair Share Plan (HE & FSP) in 2018 which was prepared pursuant to a Settlement Agreement between West Windsor Township and the Fair Share Housing Center. This agreement outlines the manner in which the Township will address its affordable housing obligation. Neither the Settlement Agreement nor the HE & FSP rely upon the ROM-1 District as a means to address the Township’s affordable housing obligations. Gerry Muller, Township Planning Board & Affordable Housing Attorney, has confirmed this and has no objection to the provision of the code being removed as shown in the proposed ordinance.

Furthermore, this language for affordable housing has been found to be vague and has been misinterpreted. In order to prevent developers from continually misinterpreting the code and since it is not a productive nor required component to address the Township’s affordable housing obligation, the proposed ordinance removes this provision from the ROM-1 District.

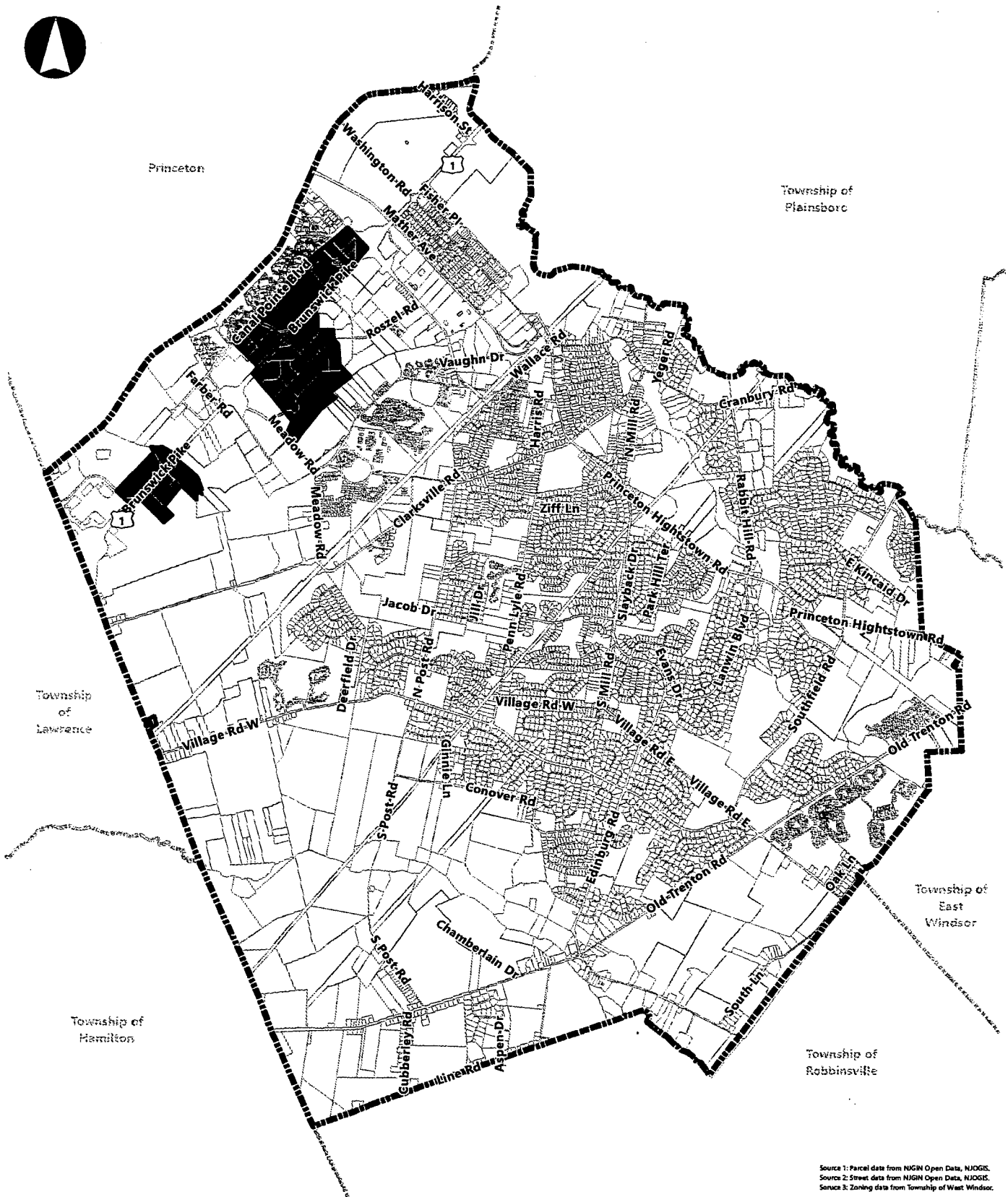
Finally, the proposed ordinance provides additional minor updates and clarifications to the code, including: modifying the types of business support uses permitted specifying “stormwater management” systems as opposed to just “detention” systems; removing reference to a “Transportation Improvement District” (the T.I.D. program was replaced with the current “Off-Tract Road Assessment Program”); and specifically identifying “pervious surfaces and impervious surfaces”.

If you have any questions or require further clarification, please advise.

Thank you

c: ROM-1 District Zoning File

o:planning\proposedordrevtorom-1section200-209.doc



Source 1: Parcel data from NGIN Open Data, NJGIS.
 Source 2: Street data from NGIN Open Data, NJGIS.
 Source 3: Zoning data from Township of West Windsor.

ROM-1 District Location Map

Project No.	Date	Drawn By
4028.15	12.18.23	DN

Scale	Dep. No.
1" = 4,600'	location

BURGIS ASSOCIATES, INC.
 COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE
 25 Westwood Avenue Westwood, New Jersey 07675
 p: 201.666.1811 f: 201.666.2599

Project Title:
Proposed ROM-1 Ordinance Amendment
 Township of West Windsor | Mercer County, New Jersey