

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

**December 9, 2024**

7:00 p.m.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 19, 2024 to The Times and the Princeton Packet and posted on the Township web-site.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments
10. Public Hearings
  - 2024-26 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168, "TRAFFIC AND PARKING", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR
  - 2024-27 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168, "TRAFFIC AND PARKING," AND CHAPTER 113 "NOISE" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR

11. Consent Agenda

A. Resolutions

2024-R232 Establishing January 1, 2025 (New Year's Day) and January 20, 2025 (Martin Luther King, Jr. Day) as Official Township Holidays

B. Minutes

August 12, 2024 - Business Session - As Amended  
August 26, 2024 - Business Session - As Amended  
September 9, 2024 - Business Session - As Amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2024-R233 Authorizing the Re-Appointment of John Mauder as Chief Financial Officer/Treasurer Effective January 1, 2025 and Granting Tenure

2024-R234 Approval of the Person to Person Transfer of Plenary Retail Consumption License to MarketFair Holdings II, LLC

2024-R235 Authorizing the Business Administrator to Purchase Desktops, Laptops, Monitors and Related Accessories for the Municipal Network from SHI International Corp., a State Contract Vendor - \$60,359.00

2024-R236 Authorizing the Business Administrator to Execute Change Order #1 with MTB, LLC for Quantity Adjustment and Supplemental Work for the West Windsor Arts Council Building Roof Replacement Project for an Increase of \$27,804.48 for a Total Not to Exceed \$242,404.48

2024-R237 Authorizing the Reimbursement of Costs Associated with the Underground Crossing of Amtrak Rail Line Corridor as part of the Duck Pond Sewer Interceptor -Phase 2 Project to the National Railroad Passenger Corporation

- 2024-R238 Authorizing the Reduction of Performance Guarantees Associated with Private On-Site Improvements Within the Project Known as Wawa Route 1 (ZB19-06)
- 2024-R239 Authorizing the Business Administrator to Purchase One New 2025 Ford F250 Super Cab 4WD Pick Up Truck for the Department of Public Works from Cherry Hill Winner Ford Under State Contract #88726 - \$61,793.00
- 2024-R240 Authorizing the Business Administrator to Purchase One New 2025 Ford F250 Super Cab 4WD Pick Up Truck for the Department of Public Works from Cherry Hill Winner Ford Under State Contract #88726, T210 - \$61,793.00
- 2024-R241 Approving the Settlement Agreement Between AvalonBay Communities, Inc. and West Windsor Township and Authorizing the Mayor to Execute the Agreement
- 2024-R242 Transfer of Funds Within the 2024 Budget - not less than 2/3 vote required

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

**REQUEST FOR COUNCIL ACTION**

Date of Request: October 30, 2024

Initiated By: Sgt. Kevin Loretucci

Division/Department: Police

**ACTION REQUESTED/ EXECUTIVE SUMMARY:** An Ordinance to amend Chapter 168 of Township Code to establish a Right Turn on Red Traffic Signal Prohibition at the intersection of Princeton Hightstown Road (Rt 571) at Clarksville Road (Rt. 638) and the intersection of Clarksville Road (Rt. 638) at Penn Lyle Road/Harris Road, in the interest of public safety. I am recommending the installation of No Turn on Red signs at all corners of the prior mentioned intersections.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

**OTHER SUPPORTING INFORMATION ATTACHED**

Ordinance Request Letter  
Traffic Sergeant Memo Map

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

Robert Garofalo 10/31/24  
Department/Division Head Date

APPROVED FOR AGENDA OF: November 12, 2024

By: Kerry Licametta  
Marlena Schmid, Business Administrator

MEETING DATE: 11/12/24 Ordinance # 2024-26 Resolution # \_\_\_\_\_  
Council Action Taken:

TOWNSHIP OF WEST WINDSOR  
MERCER COUNTY, NEW JERSEY

ORDINANCE NO.2024-26

AN ORDINANCE TO AMEND AND SUPPLEMENT  
CHAPTER 168, "TRAFFIC AND PARKING," OF THE  
REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, the Township Traffic Sergeant, upon request, has evaluated the intersection of Princeton-Hightstown Road (County Rt. 571) at Clarksville Road (County Rt. 638) and the intersection of Clarksville Road (County Rt. 638) at Penn Lyle Road/Harris Road for right turn on red traffic signal prohibition at each intersection; and

WHEREAS, Pursuant to *N.J.S.A. 39:4-8*, the Township Traffic Sergeant has provided recommendations that right turn on red traffic signal prohibitions at the intersection of Princeton Hightstown Road (Rt 571) at Clarksville Road (Rt 638) and the intersection of Clarksville Road (Rt 638) at Penn Lyle Road/Harris Road are appropriate at each of these locations after an investigation has been undertaken by said Office, and it is in the best interest of public safety and the expedition of traffic at these intersections to implement right turn on red traffic signal prohibitions at said intersections; and

'WHEREAS, the Township of West Windsor desires to implement right tum on red traffic signal prohibitions at the intersection of Princeton-Hightstown Road (CR 571) at Clarksville Road (CR 638) and the intersection of Clarksville Road (CR 638) and Penn Lyle Road/Harris Road, which are entirely within the Township of West Windsor.

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 I.

CODE OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY

PART II: GENERAL LEGISLATION

CHAPTER 168: TRAFFIC AND PARKING

ARTICLE VII: Schedules

Section 168-64: Schedule IX: No Right Turn on Red Signal, shall be amended to add the additional language as follows:

<u>Name of Street</u>	<u>Restriction in Effect</u>	<u>Prohibited Right Turn on Red Signal Onto</u>
<u>Princeton-Hightstown Road (CR 571)</u>	<u>All Hours</u>	<u>Clarksville Road (CR 638)</u>
<u>Clarksville Road (CR 638)</u>	<u>All Hours</u>	<u>Princeton-Hightstown Road (CR 571)</u>
<u>Clarksville Road (CR 638)</u>	<u>All Hours</u>	<u>Penn Lyle Road</u>
<u>Clarksville Road (CR 638)</u>	<u>All Hours</u>	<u>Harris Road</u>
<u>Harris Road</u>	<u>All Hours</u>	<u>Clarksville Road (CR 638)</u>

Penn Lyle Road

All Hours

Clarksville Road (CR 638)

SECTION II

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

SECTION III

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

INTRODUCTION:

PUBLIC HEARING:

ADOPTION DATE:

MAYORAL APPROVAL:

EFFECTIVE DATE:

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# MEMORANDUM

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DATE: October 31, 2024

TO: Marlena Schmid, Business Administrator

FROM: Sgt. Kevin Loretucci #476 - WWPD Traffic Sergeant

RE: Request for Amendment to No Right Turn on Red Signal Ordinance

I am seeking an Ordinance to amend Chapter 168 of Township Code to establish a no right turn on red signal prohibition at the intersection of Princeton Hightstown Road (Rt 571) at Clarksville Road (Rt. 638) and the intersection of Clarksville Road (Rt. 638) at Penn Lyle Road/Harris Road in the interest of public safety. I am recommending the installation of No Turn on Red signs at all corners of the above mentioned intersections.

The school crossing guards have advised that on many occasions vehicles make right turns on a red signal through a crosswalk in use, putting pedestrian safety at risk. My observation found that the intersection of Princeton Hightstown Road and Clarksville Road has No Turn on Red signs already erected, but that the ordinance was never amended to reflect same. The intersection of Clarksville Road and Penn Lyle Road/Harris Road does not have No Turn on Red signs and I recommend a no right turn on red signal prohibition at this intersection. The mature landscaping on one of the corner lots and the geometry of the intersection further enhance the need for the restriction.

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

Respectfully,

*Sgt. KLS #476*

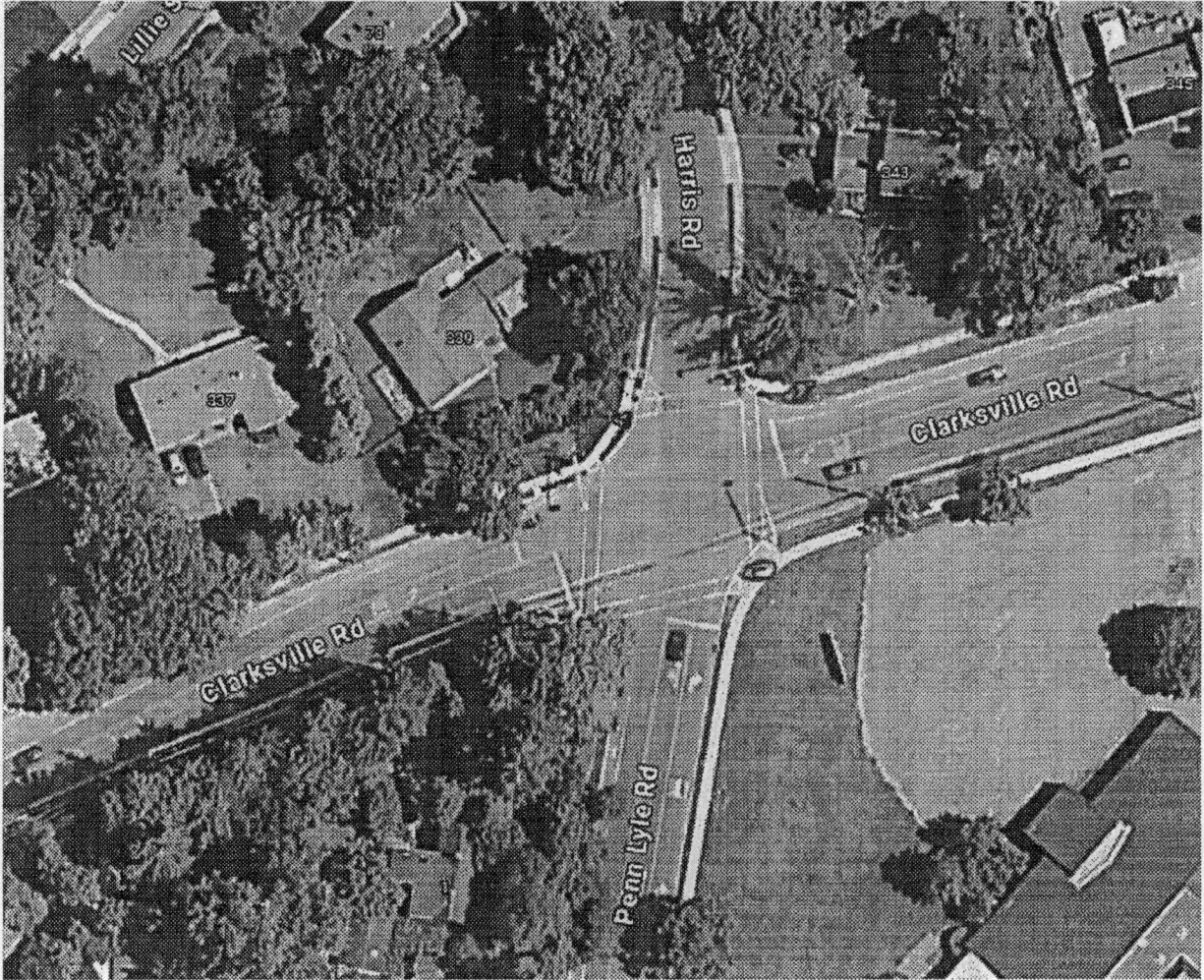
Sgt. Kevin Loretucci #476

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Location – Princeton Hightstown Road (CR 571) at Clarksville Road (CR 638)





Location – Clarksville Road (CR 638) at Penn Lyle Road/Harris Road

TOWNSHIP OF WEST WINDSOR  
MERCER COUNTY, NEW JERSEY

ORDINANCE NO. 2024-27

AN ORDINANCE TO AMEND AND SUPPLEMENT  
CHAPTER 168, "TRAFFIC AND PARKING," AND  
CHAPTER 113 "NOISE" OF THE  
REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF WEST WINDSOR

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 I.

CODE OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY

PART II: GENERAL LEGISLATION

CHAPTER 168: TRAFFIC AND PARKING

ARTICLE II: "Traffic Regulations" shall be amended to add the following additional section and language:

§168-6.2 Engine Braking Prohibited

- A. Definition: "Engine Braking" shall mean the use or operation of any mechanical device designed to aid in the braking, decompression, or deceleration of any motor vehicle which results in excessive, loud, unusual, or explosive noise from such vehicle.
- B. Prohibited: It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be operated, at any time on any road in West Windsor Township, any mechanical exhaust or decompression device which results in the practice known as "engine-braking"
- C. Exceptions: The provision of this section shall not apply to noise created by applying engine compression brakes, otherwise known as "engine braking", which is effectively muffled, or if the application is necessary for the health, safety, and welfare of the community. Sounds created by emergency equipment for emergency purposes are also exempt. The provisions of this subsection shall not apply to the application of unmuffled compression brakes where necessary for the protection of persons and/or property that cannot be avoided by application of an alternative braking system.
- D. Posting of Signs: The Township is hereby authorized to post signs at reasonable locations within the Township indicating the prohibition of "engine braking" within the Township limits.

- E. Violations and Penalties: Unless another penalty is expressly provided by New Jersey Statute, a person convicted of a violation of this section shall be subject to a fine of \$250.00.

SECTION II

CODE OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY

PART II: GENERAL LEGISLATION

CHAPTER 113 NOISE

SECTION 113-3 "Exemptions" shall be amended to delete the language indicated in [brackets] and add the language underlined:

§ 113-3 Exemptions.

- A. Except as provided in §113-8 and §113-9 below, the provisions of this chapter shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.
- B. Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- C. Construction and demolition activities are exempt from the sound level limits set forth in Tables I, II and III except as provided for in §113-[9]8 below.

SECTION III

CODE OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY

PART II: GENERAL LEGISLATION

CHAPTER 113 "NOISE",

SECTION 113-9 Motor Vehicles shall be amended to delete subsection E. "Engine braking prohibited," in its entirety.

SECTION IV

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

SECTION V

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

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

**TOWNSHIP OF WEST WINDSOR**  
*Administration Department*

**MEMORANDUM**

**TO:** Council

**FROM:** Kerry Giammetta, Special Assistant to Administration

**SUBJECT:** No Engine Braking Ordinance Move

**DATE:** 11/7/2024

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The no engine braking ordinance has been requested to be moved from Noise Section of the Township Code to the Traffic section by The Police Department, Health Department and Engineering.

Under the health/noise code location, it is not enforceable by the Police Department or the Health Department. The Police department are not considered Noise Control Investigators and the Health Department does not have the ability to enforce vehicle noise in its current form, nor are they able to pull over vehicles.

The current location of the Engine Braking ordinance under the noise ordinance was amended to include engine braking without prior NJ DEP review and approval of the proposed language. Because the State's model noise ordinance does not address engine braking, it was supposed to get DEP's approval under the Noise Control Act first before being added. Moving the no engine braking to the Police, Traffic section allows the ordinance to be enforceable by the police department and removes the need for it to be reviewed by the DEP under the Noise Control Act.

Sgt. Loretucci, Jill Swanson, Francis Guzik and other Township employees collaborated together to ensure it enforceability under the Traffic code, rather than the Health/Noise. Mike Herbert's office has also reviewed and agreed with the move as well.

RESOLUTION

WHEREAS, the Township Council's Reorganization meeting is scheduled for January 15, 2025 at which time the Township Council will designate the official holidays for Township employees for 2025; and

WHEREAS, the official holiday for New Year's Day falls on January 1, 2025 and Martin Luther King Jr. Day falls on January 20<sup>th</sup>, 2025.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Windsor that the following days are designated as official holidays for Township employees:

<u>2025 Holidays</u>	<u>Date of Office Closing</u>
New Year's Day	January 1, 2025
Martin Luther King Day	January 20, 2025

Adopted: December 9, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9<sup>th</sup> day of December 2024.

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Allison D. Sheehan  
Township Clerk  
West Windsor Township

**REQUEST FOR COUNCIL ACTION**

**Date of Request:** November 25, 2024

**Initiated By:** Hemant Marathe/Kerry Giammetta

**Division/Department:** Mayor/Administration

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Approval for the resolution authorizing the reappointment of John V. Mauder as Chief Financial Officer in accordance with the provisions of N.J.S.A. 40A:9-140.10 and granting tenure in accordance with N.J.S.A. 40A:9-140.8 effective January 1, 2025.

**SOURCE OF FUNDING:** Salary and Wage

**CONTRACT AMOUNT:** Salary and Wage Ordinance

**CONTRACT LENGTH:** granting tenure

**OTHER SUPPORTING INFORMATION ATTACHED:**

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

Kerry Giammetta \_\_\_\_\_ 12/5/2024  
Department/Division Head Date

**APPROVED FOR AGENDA OF:** 12/9/24

**By:** \_\_\_\_\_  
**Marlena Schmid, Business Administrator**

**MEETING DATE:** 12/9/24 **Ordinance #** \_\_\_\_\_ **Resolution #** 2024-R233

**Council Action Taken:**

RESOLUTION

WHEREAS, per N.J.S.A. 40A:9-140.1 requires a municipality appoint a Chief Financial Officer/Treasurer; and

WHEREAS, John V. Mauder has been licensed since 1998 and employed with West Windsor Township since 2005 as Assistant Chief Financial Officer; and

WHEREAS, pursuant to Resolution 2020-R113 on May 26, 2020, John V. Mauder was appointed Chief Financial Officer/Treasurer for a four (4) year term effective June 1, 2020 through December 31, 2024; and

WHEREAS, the Mayor and Business Administrator recommend John V. Mauder be re-appointed as Chief Financial Officer/Treasurer effective January 1, 2025 and granted tenure.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey that effective January 1, 2025, John V. Mauder be and is hereby re-appointed as Chief Financial Officer/Treasurer for West Windsor Township pursuant to the provisions of N.J.S.A. 40A:9-140.1 and granted tenure effective January 1, 2025.

Adopted: December 9, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of December, 2024.

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Allison D. Sheehan  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has received a Retail Liquor License Application from MarketFair Holdings II, LLC for a Person to Person Transfer of Liquor License #1113-33-003-011 from TGI Friday's Inc.; and

WHEREAS, the West Windsor Police Department has conducted a background investigation and approved the Person to Person Transfer of the Plenary Retail Consumption License; and

WHEREAS, in accordance with N.J.A.C. 13:2-7.4, the applicant has provided the Township Clerk's Office the proof of publication of the notice of the application in the The Times on April 22, 2024 and April 29, 2024; and

WHEREAS, no objections to the application have been received; and

WHEREAS, the Alcoholic Beverage Retail License Clearance Certificate to transfer has been received by the Township Clerk; and

WHEREAS, pursuant to N.J.A.C. 13:2-7.7, the Township Council makes the following findings and certifies that:

1. The submitted application form is complete in all respects; and
2. The applicant is qualified to be licensed according to standards established by Title 33 of the Jersey State Statutes, regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33; and
3. New Jersey Division of Alcoholic Beverage Control has reviewed the application and finds no reason not to permit the transfer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Person to Person Transfer of the Plenary Retail Consumption License #1113-33-003-011 to MarketFair Holdings II, LLC located at 3535 U.S. Highway #1, #275, West Windsor, New Jersey 08540 is hereby approved.

Adopted: December 9, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of December, 2024

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Allison D. Sheehan  
Township Clerk  
West Windsor Township



**REQUEST FOR COUNCIL ACTION**

Date of Request: November 26, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Resolution authorizing the Township of West Windsor to enter into a contract with SHI International Corporation to procure desktop computers, laptops, and monitors as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen.

**SOURCE OF FUNDING:**

Network, Computers, Printers, Scanners 405-2023-09001 \$60,359.00

**CONTRACT AMOUNT:** Increase of \$60,359.00

**CONTRACT LENGTH:** N/A

**OTHER SUPPORTING INFORMATION ATTACHED:**

- Resolution
- Certification of Funds
- SHI International Price Quote
- County of Bergen Contract BC-BID- 22-24 Related Documents

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

*Brian Aronson*

11-26-2024

Department/Division Head

Date

APPROVED FOR AGENDA OF: DECEMBER 9, 2024

By: *Kerry Diammetta*  
Marlena Schmid, Business Administrator

MEETING DATE: 12/9/24 Ordinance # \_\_\_\_\_ Resolution # 2024-R235

Council Action Taken:

RESOLUTION

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

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

WHEREAS, the Township needs to purchase Replacement Desktops, Laptops, Monitors and related accessories for use throughout the Municipal Network from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen in the amount of \$60,359.00; and

WHEREAS, as of November 25, 2024 the Township’s total aggregate spending with SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen was as follows:

Purchase Order No.	61297	\$ 49.40
Purchase Order No.	61308	\$ 9,887.90
Purchase Order No.	61336	\$ 1,098.60
Resolution No.	2024-R063	\$ 9,025.20
Resolution No.	2024-R064	\$ 107,370.99
Resolution No.	2024-R065	\$ 12,000.00
Resolution No.	2024-R091	\$ 651.29
Resolution No.	2024-R110	\$ 11,390.02
Resolution No.	2024-R111	\$ 11,630.82
Resolution No.	2024-R125	\$ 17,299.77
Resolution No.	2024-R164	\$ 1,847.13
Resolution No.	2024-R165	\$ 1,609.20
Resolution No.	2024-R178	\$ 2,788.68
Resolution No.	2024-R179	\$ 4,000.00
<u>Resolution No.</u>	<u>2024-R227</u>	<u>\$ 9,073.16</u>
		\$ 199,722.16

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

Network, Computers, Printers, Scanners	405-2023-09001	\$60,359.00
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator, Marlena A. Schmid, is hereby authorized to purchase the above from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen for a total not to exceed of \$ 260,081.16.

Adopted: December 9, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of December, 2024.

\_\_\_\_\_  
Allison D. Sheehan  
Township Clerk  
West Windsor Township

**REQUEST FOR COUNCIL ACTION**

Date of Request: November 25, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Adoption of a resolution authorizing execution of Change Order No. 1 with MTB, LLC, for supplemental work as needed for the West Windsor Arts Council Building Roof Replacement Project. Change Order No. 1 represents an increase (12.96%) in the contract amount for the project. The Facilities Maintenance Manager and Architect of Record have reviewed and endorse the attached change order with MTB, LLC, of Neptune City, New Jersey.

**SOURCE OF FUNDING:**

**Original Contract:**

<u>Arts Council Building – Roof Replacement</u>	<u>405-2024-18-006</u>	<u>\$214,600.00</u>
<i>Account Title</i>	<i>Account Number</i>	<i>Amount</i>

**Change Order No. 1:**

<u>Arts Council Building – Roof Replacement</u>	<u>405-2024-18-006</u>	<u>\$27,804.48</u>
<i>Account Title</i>	<i>Account Number</i>	<i>Amount</i>

**CONTRACT AMOUNT:**

<u>Original Contract Amount:</u>	<u>\$ 214,600.00</u>
<u>Change Order 1 (increase):</u>	<u>\$ 27,804.48</u>
<u>Revised Contract Amount:</u>	<u>\$ 242,404.48</u>

**CONTRACT LENGTH:** N/A

**OTHER SUPPORTING INFORMATION ATTACHED:**

- Resolution Change Order No. 1
- Facility Maintenance Managers Memorandum Certification of Funds
- Resolution 2024-R186

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

Brian Aronson 11-25-2024  
 Department/Division Head Date

APPROVED FOR AGENDA OF: December 9, 2024

By: Keray Diannetta  
 Marlena Schmid, Business Administrator

MEETING DATE: 12/9/24 Ordinance # \_\_\_\_\_ Resolution # 2024-R236

Council Action Taken:

RESOLUTION

WHEREAS, West Windsor Township awarded a construction contract in the amount of \$214,600.00 on September 23, 2024 (Resolution 2024-R186) to MTB, LLC, of Neptune City, New Jersey for the West Windsor Arts Council Building Roof Replacement Project; and

WHEREAS, Certifications of Funds for the original contract was received from the Chief Financial Officer and funds for said contract were available in the following account:

<u>Arts Council Building – Roof Replacement</u>	<u>405-2024-18-006</u>	<u>\$214,600.00</u>
<i>Account Title</i>	<i>Account Number</i>	<i>Amount</i>

WHEREAS, the Contractor was required to perform supplemental work as needed; and

WHEREAS, Change Order No.1 which accounts for an increase of \$27,804.48 (12.96%) in the total contract amount for supplemental work has been submitted by the Contractor; and

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

<u>Arts Council Building – Roof Replacement</u>	<u>405-2024-18-006</u>	<u>\$27,804.48</u>
<i>Account Title</i>	<i>Account Number</i>	<i>Amount</i>

WHEREAS, the Facilities Maintenance Manager along with the Architect of Record have reviewed the documents provided and recommend approval of the change order.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor Change Order No. 1 for supplemental work as needed is hereby approved, adjusting the original contract amount of \$214,600.00 to a revised contract amount of \$242,404.48

BE IT FURTHER RESOLVED that the Township Business Administrator, Marlana A. Schmid, is hereby authorized to execute Change Order No. 1 for quantity adjustment and supplemental work as needed.

Adopted: December 9, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of December 2024.

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Allison D. Sheehan  
 Township Clerk  
 West Windsor Township

**REQUEST FOR COUNCIL ACTION**

Date of Request: November 18, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Adoption of a resolution authorizing the Chief Financial Officer to issue payments to National Railroad Passenger Corporation for the reimbursement of costs associated with the underground crossing of Amtrak rail line corridor as part of the Duck Pond Run Sewer Interceptor- Phase 2 Project. The License Agreement for the crossing requires the Township reimburse National Railroad for all costs incurred in the review, inspection and observation of the project. The use of the capital account for the payment requires authorization by resolution of Township Council.

**SOURCE OF FUNDING:**

*Original Contract Amount*      *Duck Pond Run Decommission*      *405-2008-26 004*  
*Additional Source of Funding*      *Sewer Extension & Pump Station Improvements*      *405-2022-08 017*

**CONTRACT AMOUNT:**

*Original Contract Amount:*      \$ 50,000.00  
*Contract Amendment #1:*      \$120,000.00  
*Final Contract Amount:*      \$170,000.00

**CONTRACT LENGTH:**      Until project completion

**OTHER SUPPORTING INFORMATION ATTACHED:**

Resolution      Engineer's Memorandum  
Map      Certification of Funds

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

\_\_\_\_\_ *Francis Guzik*      11/18/24  
Department/Division Head      Date

APPROVED FOR AGENDA OF: December 9, 2024

By: *Kerry Diannette*  
Marlena Schmid, Business Administrator

MEETING DATE: 12/9/24 Ordinance # \_\_\_\_\_ Resolution # 2024-R237

Council Action Taken:

RESOLUTION

WHEREAS, the Township entered into a License Agreement with National Railroad Passenger Corporation on September 26, 2012 for the project known as Duck Pond Run Sewer Interceptor – Phase 2 for the required crossing of the Amtrak railroad tracks and corridor, which are under the control of National Railroad Passenger Corporation; and

WHEREAS, the License Agreement with National Railroad Passenger Corporation for the crossing requires payment of costs incurred by National Railroad Passenger Corporation for review, inspection and observation of all work related to the Project; and

WHEREAS, there is a need for additional funding for payment of costs incurred; and

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

Sewer Extension & Pump Station Improvements 405-2022-08 017 \$120,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that National Railroad Passenger Corporation is authorized to be reimbursed for costs incurred per the License Agreement associated with the project known as Duck Pond Run Sewer Interceptor – Phase 2.

ADOPTED: December 9, 2024

I hereby certify the above resolution was adopted by the West Windsor Township meeting held on the 9th day of December 2024.

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Allison D. Sheehan  
Township Clerk  
West Windsor Township

**REQUEST FOR COUNCIL ACTION**

**Date of Request:** November 26, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:**

Adoption of a resolution granting a reduction of the performance guarantees associated with private improvements within the project known as Windsor 1 Developers – Wawa Route 1 (ZB19-06); (Bond # S330734, cash). The Developer is requesting the release of the performance guarantees at this time. Inspections have been performed and some improvements remain to be completed. The Township Engineer recommends that the value of the performance guarantee be reduced at this time until all work has been satisfactorily completed.

**SOURCE OF FUNDING:** N/A

**CONTRACT AMOUNT:** N/A

**CONTRACT LENGTH:** N/A

**OTHER SUPPORTING INFORMATION ATTACHED:**

Resolution                                      Engineer’s Memorandum  
Request for Release                              Map

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

Francis Guzik                                      11/26/24  
Department/Division Head                                      Date

**APPROVED FOR AGENDA OF:** December 9, 2024

By: Kerry Diannetta  
Marlena Schmid, Business Administrator

**MEETING DATE:** 12/9/24 **Ordinance #** \_\_\_\_\_ **Resolution #** 2024-R238

**Council Action Taken:** \_\_\_\_\_

RESOLUTION

WHEREAS, Windsor 1 Developers, LLC has made a request for a release of the Performance Guarantees associated with private on-site improvements within the project known as Wawa (ZB19-06); and

WHEREAS, the Performance Guarantees are currently at 100% of their original amounts; and

WHEREAS, the West Windsor Township Consulting Engineer for the project, Van Cleef Engineering Associates, has performed inspections and recommends that the Performance Guarantees for private improvements be reduced to 30% of the original values in connection with the project known as Wawa (ZB19-06), as follows:

Performance Guarantee	Original Amount	Date Issued	Current Amount	Recommended Reduced Amount
Bond S330734	\$ 80,170.56	10/20/21	\$ 80,170.56	\$ 24,051.00
Cash – Performance	\$ 8,907.84	10/20/21	\$ 8,907.84	\$ 2,672.35
Cash - Safety & Stab.	\$ 5,000.00	10/20/21	\$ 5,000.00	\$ 1,500.00

WHEREAS, the Township Engineer has reviewed the report from the Consulting Engineer and recommends this action be approved by the Township Council.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the following Performance Guarantees posted by Windsor 1 Developers, LLC for private improvements within the project known as Wawa (ZB19-06), be reduced, as follows:

Performance Guarantee	Original Amount	Date Issued	Current Amount	Recommended Reduced Amount
Bond S330734	\$ 80,170.56	10/20/21	\$ 80,170.56	\$ 24,051.00
Cash – Performance	\$ 8,907.84	10/20/21	\$ 8,907.84	\$ 2,672.35
Cash - Safety & Stab.	\$ 5,000.00	10/20/21	\$ 5,000.00	\$ 1,500.00

BE IT FURTHER RESOLVED, the making of such estimates of the bond reduction based thereon shall not be taken or construed as an approval of any work so estimated, even if any individual line item(s) shows 100% completion. Final acceptance does not occur until the release of all applicable bonds and guarantees.

ADOPTED: December 9, 2024

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of December 2024.

\_\_\_\_\_  
 Allison D. Sheehan  
 Township Clerk  
 West Windsor Township



**REQUEST FOR COUNCIL ACTION**

**Date of Request:** November 14, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:** Resolution authorizing purchase of new 2025 Ford F250 Super Cab 4WD Pick Up Truck purchased from Cherry Hill Winner Ford, 250 Berlin Rd Cherry Hill, NJ 08034.

**SOURCE OF FUNDING:** 405 2024 18 033

**CONTRACT AMOUNT:** \$61,793.00

**CONTRACT LENGTH:** N/A

**OTHER SUPPORTING INFORMATION ATTACHED:**

Resolution 2024-R , bid sheets, and certification of funds

S:\AGENDA INBOX (file name)

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

\_\_\_\_\_  
Department/Division Head

\_\_\_\_\_  
Date

11/18/24

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

By: Kerry Diammetta  
Marlena Schmid, Business Administrator

**MEETING DATE:** 12/9/24 **Ordinance #** \_\_\_\_\_ **Resolution #** 2024-R239

**Council Action Taken:**

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) new 2025 Ford F250 Super Cab 4WD Pickup Truck for the Department of Public Works; and

WHEREAS, Cherry Hill Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 has been awarded New Jersey State Contract #88726, T210; and

WHEREAS, Factory Options built into the vehicle:

	Regular Cab 2 Wheel Drive	\$41,895.00
	4X4	\$ 4,967.00
	Super Cab Short Bed	\$ 2,545.00
X3E	3.73 Locking Rear Axle	\$ 430.00
1S	Cloth 40/20/40	\$ 100.00
473	Snow Plow Prep	\$ 250.00
18B	Platform Running Boards Xcab & Crew	\$ 445.00
592	Roof Clearance Lights LED	\$ 95.00
85S	Spray in Liner	\$ 595.00
66S	Upfitter Switches (6)	\$ 165.00
435	Power Sliding Rear Glass w/Defrost & Privacy - xcab & crew cab only	\$ 435.00
52B	Trailer Brake Controller	\$ 300.00
	Less Discount	(281.50)
 <u>Non Contract Items</u>		
	Boss 8' Plow	\$ 7,395.00
	DOT 4 Amber LED's 2 Grille, 2 Rear Tail Light	\$ 1,385.00
	Weather Guard Defender Series Tool Box 300105-53-01 Black	\$ 1,072.50
	 Total Truck & Equipment	 \$61,793.00

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

Public Works - Acquisition of Vehicle 405 2024 18033 \$61,793.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator, Marlana A. Schmid, is authorized to purchase one (1) new 2025 Ford F250 Super Cab 4WD Pickup Truck under the New Jersey State Contract #: 88726, T210 and factory options not under State Contract for a total of \$61,793.00 from Cherry Hill Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034.

Adopted: December 9, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of December, 2024.

\_\_\_\_\_  
Allison D. Sheehan  
Township Clerk  
West Windsor Township

**REQUEST FOR COUNCIL ACTION**

**Date of Request:** November 14, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:** Resolution authorizing purchase of new 2025 Ford F250 Super Cab 4WD Pick Up Truck purchased from Cherry Hill Winner Ford, 250 Berlin Rd Cherry Hill, NJ 08034.

**SOURCE OF FUNDING:** 405 2024 18 033

**CONTRACT AMOUNT:** \$61,793.00

**CONTRACT LENGTH:** N/A

**OTHER SUPPORTING INFORMATION ATTACHED:**

Resolution 2024-R , bid sheets, and certification of funds

S:\AGENDA INBOX (file name)

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

Department/Division Head

Date

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

By: Kerry Diametta

**Marlena Schmid, Business Administrator**

**MEETING DATE:** 12/9/24 **Ordinance #** \_\_\_\_\_ **Resolution #** 2024-R240

**Council Action Taken:**

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) new 2025 Ford F250 Super Cab 4WD Pickup Truck for the Department of Public Works; and

WHEREAS, Cherry Hill Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 has been awarded New Jersey State Contract #88726, T210; and

WHEREAS, Factory Options built into the vehicle:

	Regular Cab 2 Wheel Drive	\$41,895.00
	4X4	\$ 4,967.00
	Super Cab Short Bed	\$ 2,545.00
X3E	3.73 Locking Rear Axle	\$ 430.00
1S	Cloth 40/20/40	\$ 100.00
473	Snow Plow Prep	\$ 250.00
18B	Platform Running Boards Xcab & Crew	\$ 445.00
592	Roof Clearance Lights LED	\$ 95.00
85S	Spray in Liner	\$ 595.00
66S	Upfitter Switches (6)	\$ 165.00
435	Power Sliding Rear Glass w/Defrost & Privacy - xcab & crew cab only	\$ 435.00
52B	Trailer Brake Controller	\$ 300.00
	Less Discount	(281.50)
	<u>Non Contract Items</u>	
	Boss 8' Plow	\$ 7,395.00
	DOT 4 Amber LED's 2 Grille, 2 Rear Tail Light	\$ 1,385.00
	Weather Guard Defender Series Tool Box 300105-53-01 Black	\$ 1,072.50
	<b>Total Truck &amp; Equipment</b>	<b>\$61,793.00</b>

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

Public Works - Acquisition of Vehicle    405 2024 18033    \$61,793.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator, Marlana A. Schmid, is authorized to purchase one (1) new 2025 Ford F250 Super Cab 4WD Pickup Truck under the New Jersey State Contract #: 88726, T210 and factory options not under State Contract for a total of \$61,793.00 from Cherry Hill Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034.

Adopted: December 9, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of December, 2024.

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Allison D. Sheehan  
Township Clerk  
West Windsor Township

## RESOLUTION

- WHEREAS, AvalonBay Communities, Inc. (“AVB”) and the Township of West Windsor have been involved with in several litigation matters relating to AVB’s mixed use inclusionary development by the Princeton Junction train station (“AVB Project”), which began when AVB challenged the Township’s handling of resolution compliance and construction permit issuance, alleging unreasonable delay and seeking damages; and
- WHEREAS, the Township, in a separate action that is now on appeal, challenged AVB’s treatment of windows in the affordable units within the AVB Project, in that AVB is not providing windows in the second bedrooms of most of the affordable units, whereas windows are provided in most of the second bedrooms of the market units; and
- WHEREAS, another lawsuit relating to the AVB Project involves the design of one of the buildings, in which AVB sought approval for four stories and a mezzanine level, whereas the Township Construction Department determined that the design constituted an impermissible five stories, a determination that the Mercer County Construction Board of Appeals (“Board”) unanimously upheld, but then subsequently reversed in a split 2-1 decision when the matter was remanded to the Board based on additional information that AVB claimed was new and materially impacted the Board’s prior decision, an assertion the Township disputes in an appeal of the Board’s decision; and
- WHEREAS, the parties’ effort to settle the litigation has resulted in an agreement whereby the Township will withdraw the appeal relating to the windows in the affordable units and AVB will withdraw its lawsuit seeking damages for alleged delays in the resolution compliance and construction permit issuance; and
- WHEREAS, another material term of the settlement is that the Township will consider adopting a zoning amendment to add “Pet Daycare Facilities” as a permitted use in the AVB Project’s zoning district; and
- WHEREAS, the terms of the parties’ agreement are set forth in a Settlement Agreement prepared by counsel for the parties, upon advice from their respective principals, officers, and consultants, reflecting their collective judgments that it is in the best interests of the public and the parties to settle the litigation on the terms proposed; and
- WHEREAS, the purpose of the Settlement Agreement is to settle the litigation matters described therein and achieve entry of a final dismissal by the Superior Court upon fulfillment of the conditions set forth therein; and

WHEREAS, it is in the best interests of the Township to enter into the Settlement Agreement to ensure that the terms of the parties' agreement are realized and the conditions thereof satisfied.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Settlement Agreement in the form attached hereto be approved and the Mayor is authorized and directed to execute the same.

Adopted: December 9, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of December, 2024.

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Allison D. Sheehan  
Township Clerk  
West Windsor Township

**REQUEST FOR COUNCIL ACTION**

Date of Request: November 26, 2024

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

**ACTION REQUESTED/ EXECUTIVE SUMMARY:** Budget transfer resolution to provide for the transfer of funds within the 2024 Municipal Budget.

The governing body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

**SOURCE OF FUNDING:** 2024 Municipal Budget

**CONTRACT AMOUNT:** N/A

**CONTRACT LENGTH:** N/A

**OTHER SUPPORTING INFORMATION ATTACHED:**

Memo from

S:\AGENDA INBOX: 2024 Budget Transfer

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

John V. Mauder Department/Division Head 12/4/24 Date

APPROVED FOR AGENDA OF: December 16, 2024

By: Kerry Giannetta  
Marlena A. Schmid, Business Administrator

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

MEETING DATE: 12/9/24 Ordinance # \_\_\_\_\_ Resolution # 2024-2342

Council Action Taken:

TRANSFER RESOLUTION 2024 APPROPRIATIONS

WHEREAS, N.J.S.A. 40 A:4-58 provides for appropriation transfers during the last two months of any fiscal year: and

WHEREAS, it has been determined appropriations require additional funding to fulfill the purpose of said appropriations.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Windsor that the following transfers be made within the 2024 Current Fund Budget for the Township of West Windsor.

<u>TRANSFER FROM</u> <u>ACCOUNT NAME &amp; NUMBER</u> <u>&amp; NUMBER</u>	<u>AMOUNT</u>	<u>TRANSFER TO</u> <u>ACCOUNT NAME</u>
Administration S & W 105-04-100	\$ 40,000.00	Uniform Fire Code S & W 105-31-100
Administration S & W 105-04-100	\$ 60,000.00	Emergency Services S & W 105-41-100
Finance S & W 105-04-100	\$ 40,000.00	Emergency Services S & W 105-41-100
Refuse Collection O & E 105-58-200	\$ 200,000.00	Emergency Services S & W 105-41-100
Refuse Collection O & E 105-58-200	\$ 5,000.00	Senior Center O & E 105-24-100
Refuse Collection O & E 105-58-200	\$ 45,000.00	Electric/Natural Gas O & E 105-56-215
Refuse Collection O & E 105-58-200	\$ 150,000.00	Police S & W 105-18-100

Adopted: December 9, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of December 2024.

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Allison D. Sheehan  
Township Clerk  
West Windsor Township