

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

1st Reading November 13, 2023  
 2nd Reading & Public Hearing November 27, 2023  
 Date Adopted November 27, 2023  
 Date Effective December 18, 2023  
 DOT APPROVAL RECEIVED \_\_\_\_\_

Date to Mayor November 27, 2023  
 Date Signed November 28, 2023  
 Date Resubmitted to Council \_\_\_\_\_  
 Approved as to Form and Legality \_\_\_\_\_

Township Attorney  
*Michael W. Herbert Esq.*

**ORDINANCE 2023-20**

AN ORDINANCE AMENDING CHAPTER 4 "ADMINISTRATIVE OF GOVERNMENT" OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR, ARTICLE III "COUNCIL", AND ARTICLE XIII "SEPARATE AGENCIES AND BOARDS NOT ASSIGNED", AMENDING ANNUAL ORGANIZATIONAL/REORGANIZATIONAL MEETING DATE AND TERMS OF MEMBERS OF VARIOUS BOARDS AND AGENCIES

<b>RECORD OF VOTE</b>													
<b>First Reading</b>							<b>Second Reading</b>						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
Gawas							Gawas						
Geevers							Geevers						
Mandel							Mandel						
Stevens							Stevens						
Whitfield							Whitefield						

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

*Hemant Marathe*  
**Hemant Marathe, Mayor**

November 28, 2023  
**Date**

Rejected \_\_\_\_\_

Reconsidered by Council \_\_\_\_\_

Override Vote: YES \_\_\_\_\_ NO \_\_\_\_\_

*Gay M. Huber*  
**Gay M. Huber, Township Clerk**

ORDINANCE 2023-20

AN ORDINANCE AMENDING CHAPTER 4 “ADMINISTRACION OF GOVERNMENT” OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR, ARTICLE III “COUNCIL”, AND ARTICLE XIII “SEPARATE AGENCIES AND BOARDS NOT ASSIGNED”, AMENDING ANNUAL ORGANIZATIONAL/REORGANIZATIONAL MEETING DATE AND TERMS OF MEMBERS OF VARIOUS BOARDS AND AGENCIES

WHEREAS, Ordinance 2010-11 established the West Windsor Township Municipal Elections on the same day as the November General Elections; and

WHEREAS, Legislation approved on July 20, 2023 by Senate Bills 3159 and 3593 which changed the date for the elected officials to take office which is now January 15; and

WHEREAS, the annual organizational/reorganization meeting will be held on January 15<sup>th</sup> at 12 o'clock noon or at some other hour on any day during a seven day period beginning on January 15<sup>th</sup>; and

WHEREAS, appointments and terms of members of and advisers and/or liaisons to various boards and agencies will run from January 15 to January 14 of each year commencing on January 1, 2024.

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

Section 1

**§ 4-14 President and Vice President; term; presiding officer; annual meeting.**

The Council, at its annual organizational/**reorganizational** meeting, to be held on January [1] **15<sup>th</sup>** at 12:00 noon or at some other hour on any day during [the] [first] **a seven day period beginning on January 15<sup>th</sup>** [week] [of] [January] of each year, shall elect a President and Vice President to serve for one-year terms and until the election and qualification of their successors. If a vacancy occurs in the position of President during the year, the Vice President will move into the position and the Council will elect a member to fill the position of Vice President for the remainder of the term. If a vacancy occurs in the position of Vice President during the year, the Council will elect a member to fill position for the remainder of the term. In the absence of both President and Vice President of the Council, the Council shall elect a temporary presiding officer, who shall have the functions, powers and duties of the President during the President's absence. Upon the arrival of the President or the Vice President, as the case may be, the officer presiding shall relinquish the chair immediately upon the conclusion of the particular item of business before Council. At its annual organizational/**reorganizational** meeting, the Council shall approve its rules of procedure and set forth the format of its formal agenda.

§ 4-16 **Public meetings.**

**A.**

Council shall hold its regular meetings and work sessions as per a resolution to be adopted at the annual organizational/reorganizational meeting, but not less than one meeting per month. This resolution may be amended or modified by subsequent resolutions duly adopted.

**B.**

Notice.

**(1)**

In conformity with the Open Public Meetings Act,<sup>(1)</sup> written notice of all meetings of the Council and every other public body as defined in the Act shall be noticed at least 48 hours in advance, giving time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting. Such notice shall accurately state whether formal action may or may not be taken and shall be prominently posted on at least one place reserved for such or similar announcements on a bulletin board in the lobby of the Municipal Building and be mailed, telephoned, telegraphed or hand-delivered to at least two newspapers designated by the Township Council. Designated newspapers must publish often enough for the forty-eight-hour notice to be given to members of the public. Copies of the notice shall be filed with the Township Clerk.

[1]

*Editor's Note: See N.J.S.A. 10:4-6 et seq.*

**(2)**

Where the Council announces annual notice of its regular meetings, no further notice shall be required concerning such meetings. Such notice shall be in accordance with the schedule of the regular meetings of the Council to be held during the ensuing year, which the Township Clerk shall prepare, post and submit within seven days following the annual organizational/reorganizational meeting of the Council, or, if there be no such organizational/reorganization meeting in the year, [then not later than January 10 of such year], **said notice will be** pursuant to the terms of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Township Clerk shall, whenever a special meeting of the Council is called in accordance with the law, issue and cause notices thereof to be served upon the members of the Council, and other persons whose presence may be required, pursuant to law.

**H.**

Requests for schedules. Any person may request that the Council mail copies of any regular meeting schedule or revision thereof, including notice of regular, special or rescheduled meetings. The Council may pass a resolution to provide a reasonable prepayment fee for this service. All requests for meeting schedules shall terminate at 12:00 midnight, [December 31] **January 14th** of each year, but shall be subject to renewal upon request to the Council.

§ 4-20 **Budget preparation.**

**A.**

The budget shall be prepared by the Mayor with the assistance of the Business Administrator, the Township Chief Financial Officer and other applicable Directors. During the month of November, the Mayor shall require all Directors to submit requests for appropriations for the ensuing budget

year and to appear at public hearings before the Mayor and/or Business Administrator about the various requests.

**B.**

The Business Administrator, with the assistance of the Chief Financial Officer, shall prepare all estimates of non-property tax revenues anticipated for the support of each annual budget.

**C.**

The budget document shall be prepared in such form as is required by law for municipal budgets and in accordance with the Charter. There shall be appended to the budget a detailed analysis of all items of expenditure and revenue.

**D.**

On or before [January 15] **the date determined by the Division of Local Government Services for transmittal of the budget**, the Mayor shall submit to the Council the recommended budget, together with such explanatory comment or statement as deemed desirable. At this time the budget shall become the Council's budget (N.J.S.A. 40:69A-46 et seq.).

**E.**

Council may reduce any item or items in the Mayor's budget by a vote of the majority of the Council, but any increase in any item or items shall become effective only upon an affirmative vote of 2/3 of the entire membership of the Council.

Section 2.

ARTICLE XIII

**§ 4-55 Boards and agencies not assigned to Township departments.**

**D.**

Unless specifically provided otherwise, all terms of all members of and advisers and/or liaisons to the various board/bodies/committees listed above shall run from January [1]**15** to [December 31] **January 14.**

**§ 4-56.1 Agricultural Advisory Committee.**

**A.**

Preamble. A Township goal is to preserve farmland. That goal can be advanced through the preparation of a farmland preservation element of the Master Plan and securing grants therefor from higher level jurisdictions. One form of grant available is a planning incentive grant through the New Jersey Department of Agriculture. To be eligible for such a grant, the Planning Board must prepare and adopt a farmland preservation plan element in consultation with a municipal agriculture advisory committee. It is in the best interest of the Township to create such a committee in order to plan systematically for farmland preservation and to be eligible for planning incentive grants and in order to best manage Township-owned farmland.

**B.**

Creation; appointment; terms of office; vacancies; compensation.

**(1)**

There is hereby created an Agricultural Advisory Committee consisting of three members appointed by the Mayor with the consent of the Township Council. They shall be residents of the

Township, and a majority thereof shall be actively engaged in farming and shall own a portion of the land they farm. They shall serve without compensation.

(2)

The members shall serve for terms of three years each. The initial appointments shall be staggered so that one term shall be for one year, one for two years and one for three years. Terms shall expire on [December 31] **January 14** of the year of expiration.

(3)

All appointments to fill vacancies shall be for the unexpired term.

(4)

A Chairman shall be elected annually by the Committee.

#### § 4-61.1 **Shade Tree Commission.**

**A.**

Preamble. The Township has acquired and will continue to acquire various public lands, and the Township right-of-way has increased and will continue to increase with the future development of the Township. It is in the best interests of the Township to create a Shade Tree Commission in order to encourage proper arboriculture and desirable horticultural activities, to develop and periodically update a community forest and shade tree plan for the care, planting and location of trees and shrubbery on public land and in public rights-of-way and to set policy for the maintenance of the trees and shrubbery in such areas.

**B.**

Creation; appointment; terms of office; vacancies; compensation.

(1)

There is hereby created a Shade Tree Commission, which shall be known as the "Shade Tree Commission of West Windsor Township." The Commission shall consist of five members appointed by the Mayor with the advice and consent of Township Council. The members shall be residents of the Township and shall serve without compensation.

(2)

The members shall serve for terms of five years each. However, the initial appointments shall be staggered for respective periods of one, two, three, four and five years. The initial term of appointment shall be designated at the time of appointment. Terms shall expire on [December 31] **January 14** of the year of expiration.

(3)

All appointments to fill vacancies shall be for the unexpired term.

(4)

A Chairperson shall be elected annually by the Commission. The Chairperson shall serve without compensation.

(5)

A Secretary shall be elected annually by the Commission. The Secretary shall serve without compensation.

§ 4-62 **Human Relations Council.**

**A.**

Preamble. Under the direction of the Mayor, the Human Relations Council will develop, coordinate and amplify community awareness of the diverse cultures represented in the Township. This is to be accomplished through the development and implementation of approved programs and services which will foster cultural exchange. The Council will report annually and/or as requested or needed on its activities and recommendations.

**B.**

Creation. There is hereby created a Human Relations Council to develop, coordinate and amplify the community awareness of the diverse cultures as represented in the Township.

**C.**

Appointment; terms; vacancies; compensation.

**(1)**

The Council shall consist of 12 members, who shall be representatives of the diverse cultural interests within the Township. All members shall be appointed by the Mayor, with advice and consent of the Council. Advisers, but not regular members, may be nonresidents who are employed within the Township.

**(2)**

Members shall serve for terms of two years each. Six of the initial appointments shall be for one year and the other six shall be for two years. At the expiration of the one-year terms, the ensuing appointments shall be for two years. All terms shall expire on [December 31] **January 14** of the year of the expiration.

**(3)**

A vacancy occurring other than by expiration of term shall be filled in the same manner as other appointments, but said appointment is for the unexpired term only.

**(4)**

Members shall receive no compensation for their services.

**D.**

Structure. The Council shall designate one of its members as Chair and that person shall serve as such until the first day of January next following the appointment and until the successor shall be appointed and shall qualify. Vacancies in the Chair shall be filled in the same manner as other vacancies for the unexpired term only.

§ 4-65 **Planning Board.**

**A.**

The Planning Board heretofore created by West Windsor Township is continued and is hereby established pursuant to N.J.S.A. 40:55D-23 et seq. as the Planning Board for said municipality.

**B.**

Composition.

**(1)**

The Planning Board shall consist of nine members, who shall be divided into the following four classes for convenience in designating their manner of appointment:

**(a)**

Class 1: The Mayor, or the Mayor's designee in the absence of the Mayor.

**(b)**

Class 2: One of the officials of the Township other than a member of the Council, to be appointed by the Mayor, provided that the member of the Environmental Commission who is also a member of the Planning Board, as may be required by N.J.S.A. 40:56A-1, shall be deemed to be a Class 2 Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among Class 4 or alternate members.

**(c)**

Class 3: A member of the Township Council, to be appointed by it.

**(d)**

Class 4: Six other citizens of the municipality, to be appointed by the Mayor. The members of Class 4 shall hold no other municipal office, except that one member may be a member of the Zoning Board of Adjustment and one may be a member of the Board of Education. A member of an Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class 4 Planning Board member unless there be among the Class 4 or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class 2 member of the Planning Board.

**(2)**

In addition to the nine members set forth above, there are established two alternate members to be appointed by the same appointing authority as class 4 members.

**(3)**

The alternate members shall serve for two years from January 1 of the year of their appointment. The initial terms of the alternate members shall be for one and two years, respectively, as designated by the Mayor at the time of their appointment. The Mayor shall designate the alternate members as "Alternate No. 1" and "Alternate No. 2."

**(4)**

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate is to vote, Alternate No. 1 shall vote.

**C.**

Terms.

**(1)**

The term of the member comprising Class 1 shall correspond with the Mayor's official tenure of office, or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure. The terms of the members comprising Class 2 and Class 3 shall be for one year or terminate at the completion of their respective terms of office, whichever shall first occur, except for a Class 2 member who is also a member of the Environmental Commission, if any. The term of a Class 2 or Class 4 member who is also a member of the Environmental Commission, if any, shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever shall have first occurred.

**(2)**

The term of a Class 4 member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever the Class 4 member is no longer a member of such other body or at the completion of the member's Class 4 term, whichever shall first occur.

**(3)**

The terms of all Class 4 members first appointed pursuant to this section shall be so determined that, to the greatest practical extent, the expiration of such terms shall be evenly distributed over the first four years after their appointment as determined by resolution of the Township Council; provided, however, that no term of any member shall exceed four years; and, further, provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter, all Class 4 members shall be appointed for terms of four years except as otherwise herein provided.

**(4)**

All terms shall run from January [1] **January 15** of the year in which the appointment was made.

**§ 4-68 Zoning Board of Adjustment.**

**A.**

Establishment; membership; terms; officers; staff; rules; compensation.

**(1)**

Establishment. The Zoning Board of Adjustment heretofore created is continued and is hereby established pursuant to N.J.S.A. 40:55D-69 et seq. as the Board of Adjustment for the municipality.

**(2)**

Membership. The Zoning Board of Adjustment shall consist of seven regular members and two alternate members. All members including alternates shall be appointed by the Council. Alternate members shall be designated at the time of appointment "Alternate No. 1" and "Alternate No. 2."

(3)

Terms. The terms of the members first appointed shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed in the case of regular members evenly over the first four years after their appointment and in the case of alternate members evenly over the first two years after their appointment, provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of each regular member shall be four years, and the term of each alternate member shall be two years. All terms of office shall run from January [1] 15 of the year in which the appointment was made.

### Section 3

All articles or sections thereof in conflict with this Ordinance are hereby repealed.

### Section 4

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by and Court of competent jurisdiction, such judgement shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

### Section 5

This Ordinance shall be enacted twenty (20) 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; and upon publication according to law, to be effective January 1, 2024, in accordance with law.

Brackets mean removal[]; **Bold** and underline mean added

INTRODUCTION: November 13, 2023

PUBLIC HEARING: November 27, 2023

ADOPTION: November 27, 2023

MAYOR APPROVAL: November 28, 2023

EFFECTIVE DATE: December 18, 2023