

**MEETING TO BE
LIVE STREAMED AT**
<https://www.youtube.com/channel/UC8i0yw7lhozymbgo4N68jJdg/live>

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

September 14, 2020

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - September 3, 2020 to The Times and the Princeton Packet.
4. Salute to the Flag
5. Ceremonial Matters and/or Topic 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
11. Consent Agenda

A. Resolutions

2020-R185 Authorizing the Tax Collector to Cancel
Property Taxes for Project Freedom
Between March 18, to December 31, 2020

- 2020-R186 Authorizing the Mayor and Clerk to Execute the Easement Modification Agreement to Construct a Fence Over the Drainage Easement - 17 Sparrow Drive
- 2020-R187 Authorizing the Appointment of Ellen Clancy as a Member of the Shade Tree Commission with a Term to Expire on 12/31/2022
- 2020-R188 Authorizing the Appointment of Priya Venkataraman as a Member of the Shade Tree Commission with a Term to Expire on 12/31/2023

B. Minutes

July 27, 2020 - Business Session - as amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2020-R189 Approval of Liquor License Renewals for 2020-2021

2020-R190 Authorizing the Tax Collector to Conduct an Electronic Tax Sale

2020-R191 Authorizing the Mayor and Clerk to Execute an Agreement with EPIC (Formerly Frenkel Benefits) as Health Insurance Benefits Consultant - \$35,000.00

2020-R192 Authorizing the Increase of \$10,000.00 for John J. Curley, LLC for Legal Services Relating to the Real Estate Acquisition of the Hall Property for a Total Not To Exceed **\$49,900.00**

2020-R193 Authorizing the Mayor and Clerk to Execute a Contract with Longford Landscapes, Inc. for Pipeline for Repairs to Sanitary Sewer System in area of Washington Road - **\$32,070.00**

2020-R194 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Center State Engineering for Professional Surveying and Engineering Design Services for the Annual Roadway Improvement Projects - \$23,500.00

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

RESOLUTION

WHEREAS, Ordinance 2017-01 was adopted on January 17, 2017 authorizing real property tax exemption and payments in the lieu of taxes for property known as Block 10 Lot 108.01 Project Freedom pursuant to the long term tax exemption law, N.J.S.A 40A:20-1, ET SEQ; and

WHEREAS, Project Freedom has completed the necessary requirements for said exemption, and

WHEREAS, the Tax Assessor has received and approved the Initial Statement of Organization Claiming Property Tax Exemption for Block 10 Lot 108.01, and

WHEREAS, the Tax Assessor has requested that the 2020 taxes be cancelled from date of Final Certificate of Occupancy for the affordable units on March 18, 2020, and

WHEREAS, the Tax Collector requests the Township Council cancel the 2020 taxes from March 18 to December 31, 2020 in the amount of \$ 10,837.70.;

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of West Windsor hereby authorizes the Tax Collector to cancel the following property taxes listed below for 2020 Block 10 Lot 108.01 Project Freedom:

Property Taxes Cancelled

March 18, 2020 to December 31, 2020	\$10,837.70
-------------------------------------	-------------

Adopted: September 14, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of September, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Kishore and Preeti Sood, owners of property located at 17 Sparrow Drive, West Windsor Township, New Jersey, also known as Block 27.10 Lot 2, in West Windsor, New Jersey 08550 has made a request for a waiver to permit the construction of a fence over a drainage easement along the rear yard of their property; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of West Windsor Township that the waiver requested by Kishore and Preeti Sood be hereby granted subject to the acceptance of the recommendations of the Township Engineer and the execution of the annexed Easement Modification Agreement; and

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

Adopted: September 14, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of September 2020.

Gay M. Huber
Township Clerk
West Windsor Township

EASEMENT MODIFICATION AGREEMENT

THIS AGREEMENT made between the Township of West Windsor, Municipal Corporation, State of New Jersey, which principal offices are located at 271 Clarksville Road, P.O. Box 38, West Windsor, New Jersey 08550 (hereinafter referred to as "Township") and Kishore and Preeti Sood, 17 Sparrow Drive, West Windsor, New Jersey 08550, (hereinafter referred to as "Owners"); and

WHEREAS, Owners are the owners of property located at 17 Sparrow Drive, West Windsor Township, New Jersey, also known as Block 27.10, Lot 2 on the Tax Map of the Township; and

WHEREAS, Township is the owner of the utilities and drainage easements as set forth on the plan entitled "Edinburg Estates – Phase II" Township of West Windsor, Mercer County, New Jersey filed in the Mercer County Clerk's office on December 8, 1995 as Maps No. 3324, 3324A and 3324B; and

WHEREAS, Owners have shown good cause why the aforesaid easements should be modified; and

WHEREAS, the parties agree to modify said easements.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Township shall permit Owners to construct and maintain a fence within existing municipal utilities and/or drainage easement areas, and Owners agree to the following conditions in addition to those required through the original easements:
 - a. The fence erected within the easement areas shall not interfere with the purpose for which the easement was originally intended; and
 - b. No buildings, recreational equipment, structures, trees, or landscaping improvements, other than the fence, shall be permitted within the easement areas; and
 - c. The existing municipal utilities within the easement areas shall be marked out prior to any disturbance; and
 - d. The fence shall be installed in such a way that no posts, pipes, footings or pools are installed within five (5) feet from the outside edge of any underground improvements; and
 - e. The fence shall be erected as close as practicable to the property line subject to subparagraph "c" and shall further be installed with one or more gates or other acceptable means to permit full access to the easement areas; and

- f. The Township's representative(s) shall be permitted access to the easement areas, from time to time, for inspection purposes; and
 - g. In the event that access to the easement areas is necessary and/or it is necessary for the Township or its representative(s) to perform maintenance or repairs within the easement areas, the fence so erected shall be removed by Owners at the Owners' sole costs and expense in a timely manner upon receipt of notice by the Township, and if the Owners fail to remove such facilities upon proper notice from the Township, or in the event of an emergency where time is of the essence, the Township may remove such facilities and the Owners shall be responsible for reimbursing the Township for the Township's cost of removal within forty five (45) calendar days of receiving the Township's invoice outlining these costs. The fence shall be reinstalled by Owners at the Owners' sole costs and expenses, but only upon notice by the Township of completion of maintenance or repairs within the easement area. This provision shall also apply to any other structures or improvements including landscaping, installed within the easement areas, except only the fence shall be permitted to be reinstalled upon notice of completion; and
 - h. Owners and Owners' successors and assigns indemnify and hold the Township harmless from any damages and/or costs that may be caused by the installation, maintenance and/or replacement of the fence permitted to be installed and its components; and
 - i. The final proposed location of the fence shall be reviewed in the field by the Township after it has been staked, and prior to construction, and modifications to the location of the fence and/or gate as may be deemed necessary by the Township shall be made at the Owners' sole cost and expense.
2. The terms and conditions of this Modification Agreement shall inure to the benefit of and shall run with the land, it being the express intent that the terms of this Agreement shall be binding upon the parties' successors, heirs and/or assigns.
 3. All other terms and conditions of the original easement shall remain in full force and effect

RESOLUTION

WHEREAS, a vacancy exists on the Shade Tree Commission for a member due to the resignation of Kathleen Girandola; and

WHEREAS, Ellen Clancy has expressed her interest in serving on the Shade Tree Commission; and

WHEREAS, it is recommended that Ellen Clancy be appointed to fill the unexpired term of Kathleen Girandola which expires on December 31, 2022; and

WHEREAS, Mayor Hemant Marathe recommends this appointment and seeks the Council's consent to Ellen Clancy as a member on the Shade Tree Commission.

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves (consents to) the following appointment to the Shade Tree Commission:

Ellen Clancy Member Term to Expire: December 31, 2022

Adopted: September 14, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of September, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, a vacancy exists on the Shade Tree Commission for a member due to the resignation of Ron Slinn; and

WHEREAS, Priya Venkataraman has expressed her interest in serving on the Shade Tree Commission; and

WHEREAS, it is recommended that Priya Venkataraman be appointed to fill the unexpired term of Ron Slinn which expires on December 31, 2023; and

WHEREAS, Mayor Hemant Marathe recommends this appointment and seeks the Council's consent to Priya Venkataraman as a member on the Shade Tree Commission.

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves (consents to) the following appointment to the Shade Tree Commission:

Priya Venkataraman Member Term to Expire: December 31, 2023

Adopted: September 14, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of September, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, 2020-2021 applications for renewal of liquor licenses have been submitted electronically to the Division of Alcoholic Beverage Control; and
- WHEREAS, the appropriate fees have been received; and
- WHEREAS, the Police Division has indicated that it finds no reason to object to the renewals; and
- WHEREAS, the Health Division has inspected the premises and finds them to be in satisfactory condition; and
- WHEREAS, no objection to any of these renewals has been filed with the Clerk’s Office; and
- WHEREAS, the Alcoholic Beverage Retail Licensee Clearance Certificates for Renewal have been issued.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the renewal of the Alcoholic Beverage Licenses for the following are hereby approved:

PLENARY RETAIL CONSUMPTION LICENSEES

- 1113-33-009-004 Market Fair Holdings II
1113-33-018-001 Market Fair Holdings II

HOTEL/MOTEL LICENSEES

- 1113-36-015-003 Carnegie HP F&B LLC dba Hyatt Princeton Place
1113-36-017-001 CHDA Title LLC dba Residence Inn by Marriott

PLENARY RETAIL DISTRIBUTION LICENSEES

- 1113-44-004-011 Princeton Market/McCaffreys Wine & Spirits

Adopted: September 14, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of September 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations promulgated by the Director of the Division of Government Services, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more competitive tax sale process, and

WHEREAS, in accordance with N.J.S.A. 54:5 et seq, the Township of West Windsor is entitled to recover costs in connection with the tax sale mailing and estimated advertising, and

WHEREAS, the Township of West Windsor wishes to participate in an electronic tax sale and assess the cost of processing and administering all phases of the tax sale process against only the taxpayers who are delinquent.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Windsor hereby authorizes the Tax Collector to participate in an electronic tax sale, and

BE IT FURTHER RESOLVE, to charge and collect a fee of \$25.00 per direct mailing to be added to the cost of sale not to exceed \$50.00.

Adopted: September 14, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of September, 2020

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor has a need for specialized Health Insurance Benefits Consultant Services as a non-fair and open contract and pursuant to N.J.S.A.19:44A-20.5, and
- WHEREAS, EPIC of Jersey City, New Jersey, has completed and submitted a Business Entity Disclosure Certification which certifies that EPIC of Jersey City, New Jersey has not made any reportable contributions to a political or candidate committee in the Township of West Windsor in the previous year, and that the contract will prohibit EPIC of Jersey City, New Jersey from making any reportable contributions through the term of the contract; and
- WHEREAS, the Township’s Business Administrator, Chief Financial Officer and Mayor recommend that the Township award a contract for (1) one year to EPIC of Jersey City, New Jersey from September 15, 2020 through September 14, 2021; and
- WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds for said contract are available in the following line item appropriation accounts:
- | | | |
|--|------------|-------------|
| Group Insurance – Miscellaneous Services | 105-51-299 | \$35,000.00 |
|--|------------|-------------|

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with EPIC of Jersey City, New Jersey, as the Township Health Insurance Benefits Consultant through September 14, 2021, as set forth in the attached agreement; and
2. The Agreement so authorized shall require the provider to perform Health Insurance Benefits Consultant Services. The Contract shall be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1) (a) (i) because the services are “Professional in nature”.
3. A notice of this action shall be published in the newspaper used by the Township for Legal Publications as required by law within ten (10) days of its passage.
4. An executed copy of the Contract between the Township and EPIC of Jersey City, and copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: September 14, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th the day of September, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township is in the process of acquiring certain real estate and requires a legal expert to assist in the acquisition of same; and

WHEREAS, John J. Curley of John J. Curley, LLC is licensed as an eminent domain and redevelopment law attorney; and

WHEREAS, the Township has retained Mr. Curley by Resolution 2017-R100 on March 27, 2017 and by resolution 2018-R051 on January 29, 2018 and by Resolution 2018-R170 on July 30, 2018 and by resolution 2019-R102 on April 29, 2019 as an expert in eminent domain and redevelopment law; and

WHEREAS, it is necessary for the Township to increase Mr. John Curley's contract from \$39,900.00 to \$49,900.00; and

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

Open Space Acquisition Consultant Fees 405-2020-07-001 \$10,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is authorized to increase the purchase order for John J. Curley, LLC from \$39,900.00 to \$49,900.00.

ADOPTED: September 14, 2020

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 14th day of September, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, a portion of the roadway of Washington Road (Mercer County Route 571) in the area of the culvert near 92 Washington Road experienced a collapse which was unforeseen, necessitating emergency repairs; and

WHEREAS, it has been determined that the likely cause of the damage to the roadway was a municipal sanitary sewer line below the roadway; and

WHEREAS, the Township of West Windsor had a need to acquire contract services on an emergency basis according to the provisions of N.J.S.A. 40A: 11-6; and

WHEREAS, the Township of West Windsor Director of Public Works and the Assistant Township Engineer have both reviewed the work conducted for this emergency repair and found said work to be consistent with standard practices and the invoices submitted to be reasonable for the response to this situation; and

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

Sanitary Sewer Maintenance	405-2015-06 023	\$16,274.64
Sanitary Sewer Maintenance	405-2016-09 020	\$15,795.36

WHEREAS, in accordance with N.J.S.A. 40A:11-6, the Township Council is satisfied that the emergency exists, that it affects the public health, safety and welfare and that it requires immediate delivery of the aforesaid articles and/or services; and

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

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a contract with Longford Landscapes for a contract price of thirty-two thousand Seventy Dollars and Zero Cents (\$32,070.0).
- (2) An executed copy of the Contract between the Township and Longford Landscaping and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: September 14, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of September 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

WHEREAS, Center State Engineering has submitted a proposal dated September 3, 2020 indicating they will provide professional construction administration and observation services for the West Windsor Annual Road Program, Princeton Place, Ziff Lane, Fieldston Road, Jeffrey Lane, Nassau Place, Hardwick Court, University Way & Hendrickson Drive for Twenty-Three Thousand Five Hundred Dollars (\$23,500); and

WHEREAS, Center State Engineering has indicated a performance period for the construction administration and observation services concurrent with the construction project; and

WHEREAS, the Township wishes to enter into an agreement with Center State Engineering for the aforesaid services; and

WHEREAS, the total amount of the contract is Twenty-Three Thousand Five Hundred Dollars (\$23,500); and

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

Roadway Improvements	405 2019 18 011	\$23,500.00
----------------------	-----------------	-------------

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 Center State Engineering, with a performance period concurrent with the construction project from the date of project initiation for construction administration and observation services, for an amount not to exceed Twenty-Three Thousand Five Hundred Dollars (\$23,500.00).
- (2) The Agreement so authorized shall require the Provider to provide professional surveying and engineering design services pursuant to its proposal dated September 3, 2020. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Contract between the Township and Center State Engineering and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: September 14, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of September 2020.

Gay M. Huber
Township Clerk
West Windsor Township