

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

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

July 8, 2019

7:00 P.M.

1. Call to Order
2. Statement of Adequate Notice - January 11, 2019 to The Times and the Princeton Packet.
3. Salute to the Flag
4. Roll Call
5. Ceremonial Matters and/or Topic for Priority Consideration
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
6. Administration Comments
7. Council Member Comments
8. Chair/Clerk Comments
9. Public Hearings

2019-21 AN ORDINANCE TO RELEASE, VACATE, AND
EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN EDEN
WAY RIGHT-OF-WAY

10. Consent Agenda

A. Resolutions

2019-R143 Approving the Request for a Permit from L.E.A.D. Freedom Fest State Fair for a Public Fireworks Display on July 13, 2019 (Rain date July 14, 2019) at Mercer County Park

2019-R144 Extending the Sewer Reservation Capacity for the Project Known as Woodstone at West Windsor (PB17-08) for an Additional Year

B. Minutes

Business Session - May 28, 2019 - as amended
Business Session - June 10, 2019 - as amended

C. Bills & Claims

11. Items Removed from Consent Agenda

12. Recommendations from Administration and Council/Clerk

2019-R142 Authorizing the Sale of a Plenary Retail Consumption License for Sale of Alcoholic Beverages Per the Procedures Set Forth in N.J.S.A. 33:1-19.3 et seq.

2019-R145 Authorizing the Business Administrator to Purchase from CDW-Government Annual Support, Updates, and Instant Replacement for E-mail Archiver for the Municipal Building - \$2,440.00

2019-R146 Authorizing the Business Administrator to Purchase from CDW-Government Semi-Annual Maintenance of Vehicle Tracking Solutions for Public Works Vehicles and the Senior Center Bus - \$4,321.80

2019-R147 Authorizing the Business Administrator to Execute Change Order No. 1 with Lucas Brothers for a Decrease (-9.35%) for Final Quantities Adjustment and Project Closeout for the Project Known as 2017 Road Improvement Program for a Net Decrease of \$78,715.46

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

ORDINANCE NO. 2019 -21

TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE TO RELEASE, VACATE, AND EXTINGUISH ANY
AND ALL PUBLIC RIGHTS IN EDEN WAY RIGHT-OF-WAY

WHEREAS, the Township Council of the Township of West Windsor, Mercer County, New Jersey has determined, pursuant to a recommendation from the Township Engineer, that there is no detriment to the public good in vacating Eden Way in its entirety as hereinafter described; and

WHEREAS, based on the Township Engineer's recommendation, the Township Council has determined that said Eden Way is no longer needed for street purposes, and the public interest will be served by abandoning, vacating, releasing, and extinguishing any and all public rights that the Township may have in the following described Rights of Way;

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

1. The public rights and interest in Eden Way as shown on Exhibit "A" and described in Exhibit "B" are hereby vacated, abandoned, extinguished, and released as follows:
 - (a) The vacated Eden Way is hereby defined as the existing Right-of-Way between Harrison Street (County Route 629) to the west and US Route 1 to the east, bounded to the north by Lot 2.01 in Block 2 and to the south by Lot 1.01 in Block 3, and is as described in Exhibit "B";
 - (b) PSE&G, as owner of adjoining Block 3, Lot 14.02, would annex a half width portion of Eden Way identified as Parcel A;
 - (c) The Trustees of Princeton University, as owner of adjoining lots Block 2, Lot 2.01 and Block 3, Lot 1.01 would annex the balance of the Eden Way Right-of-Way to Block 3, Lot 1.01, identified as Parcel B;
 - (d) The aforesaid Eden Way is hereby vacated and shall be annexed to the lots owned by the adjoining property owners, being Parcel A, Block 3, Lot 14.02 to PSE&G; and Parcel B, Block 3, Lot 1.01 to The Trustees of Princeton University;
 - (e) The Mayor is authorized to execute Deeds of Road Vacation to effectuate the vacation and annexation of the Eden Way Right-of-Way into Block 3, Lot 14.02 (Parcel A) and Block 3, Lot 1.01 (Parcel B), respectively.
2. It is noted for the record that it is the underlying property owner's intention to consolidate Block 2, Lot 2.01 into a one tax parcel currently known as Lot 1.01 in Block 3.
3. All rights and privileges now possessed by any public utility or CATV company to maintain, repair and/or replace their existing facilities in, adjacent, over or under the said Eden Way, are hereby expressly reserved and excepted from this vacation.

4. All ordinances or parts of ordinances which are inconsistent with this ordinance are repealed as to their inconsistencies only.
5. This ordinance shall become effective twenty (20) days after action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Township Council, whichever is applicable. Publication shall be in accordance with law.

INTRODUCTION: June 24, 2019

PUBLIC HEARING:

ADOPTION:

PUBLIC APPROVAL:

EFFECTIVE DATE:

RESOLUTION

WHEREAS, there exists in the Township of West Windsor the authority to issue a new plenary retail consumption license for the sale of alcoholic beverages; and

WHEREAS, the Township Council has determined to sell at a public sale one new plenary retail consumption license; and

WHEREAS, pursuant to *N.J.S.A. 33:1-19.3*, it is the desire of the Township of West Windsor to accept bids for said new license as required by law.

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

1. That the Township of West Windsor hereby determined that it will sell at public sale one new plenary retail consumption license for the sale of alcoholic beverages, in accordance with the procedures set forth at *N.J.S.A. 33:1-19.3 et seq.*
2. That the Township Clerk shall publish a notice of the proposed issuance of an alcoholic beverage license, indicating that applications therefore will be accepted by the Township at the time, date and place specified in the notice, after which no further applications will be accepted.
3. That said notice shall be published in a newspaper circulating generally in the municipality at least two times, at least one week apart, the second of which shall be at least 30 days prior to the date of sale.
4. That the minimum bid price for the new alcoholic beverage consumption license shall be \$700,000.00.
5. That bids must be made upon the Proposal Form available in the Office of the Township Clerk. The name and address of the bidder shall appear on the outside of the sealed envelope. All bidders must be qualified to have an interest in a retail alcoholic license under the standards set forth in the Alcoholic Beverage Control Act, the Rules and Regulations promulgated thereunder, and any applicable municipal ABC Ordinances.

6. That the bid must contain a deposit in the form of a certified check for 20% of the bid price. The highest bidder shall pay the balance of the bid to the Township Clerk in the form of cash or certified check within 72 hours of the adoption of a resolution accepting the highest qualified bid. In the event of a default or breach of promise by the successful bidder, all deposit monies shall be forfeited to the Township.
7. That the Township reserves the right to reject any and all bids if the highest bid is not accepted.
8. That the municipality shall only award the license to the person who is the highest qualified bidder with the understanding that the license will actually be situated subsequently through the place-to-place transfer application process and must be in use within two years of award of the license.
9. That the successful applicant must comply with all ordinances of West Windsor Township in locating the license.
10. The sale may be postponed or canceled at any time prior to the opening of the bids.

Adopted: July 8, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 8th day of July 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, LEAD Freedom Fest State Fair desires to conduct a public firework display located at Mercer County Park on July 13, 2019, with a rain date of July 14, 2019; and
- WHEREAS, said fireworks display shall be conducted by D & M Fireworks LLC, a U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms licensed Importer of Fireworks, license number 8-PA-011-51-5E-02057 and
- WHEREAS, the New Jersey Uniform Fire Code N.J.A.C. 5:70-3, F-3301.2.4.3 requires that the governing body approve said fireworks display by resolution prior to granting of a permit by the Fire Marshal; and
- WHEREAS, the Township Fire Marshal has designated the fireworks display must commence by 9:30 p.m. and conclude no later than 10:00 p.m.; and
- WHEREAS, the minimum insurance coverage required by N.J.A.C. 5:70, F-3301.2.4.2 is \$500,000; and
- WHEREAS, D & M Fireworks LLC carries \$4,000,000 insurance coverage; and
- WHEREAS, the Fire Marshal has communicated with the Chief of Police, and the Fire Chief of West Windsor Fire Company who will provide police, and fire protection for said fireworks display; and
- WHEREAS, the Chief of Police, and Fire Chief have given their approval; and
- WHEREAS, West Windsor Fire and Emergency Services will provide emergency medical services; and
- WHEREAS, the Fire Marshal has reviewed the application for permit, insurance requirements and other applicable regulations; and
- WHEREAS, the Fire Marshal has found all to be in order; and
- WHEREAS, the Fire Marshal recommends the approval of said resolution.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor that this resolution is adopted and that a permit may be granted by the West Windsor Township Fire Marshal, upon his approval, for a fireworks display.

Adopted: July 8, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 8th day of July, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township Council granted a reservation of sanitary sewer capacity in the amount of 93,675 gallons per day for the project known as Woodstone at West Windsor (PB17-08) located at Block 7, Lot 61.02 on July 9, 2018; and

WHEREAS, Woodmont Properties, a developer of the project, has submitted a request for an extension for reservation of sewer capacity in the public sewer system for said project; and

WHEREAS, the Township Engineer has certified that there remains sufficient capacity in the existing downstream sanitary sewer system to accommodate the increase in average daily flow of a total of 93,675 gallons of wastewater that is estimated to be generated by the proposed development.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the reservation of sewer capacity in the municipal wastewater collection system in the total amount of 93,675 gallons per day, is hereby extended for a period of one (1) year for the project known as Woodstone at West Windsor (PB17-08) located at Block 7, Lot 61.02.

Adopted: July 8, 2019

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 8th day of July 2019.

Gay M. Huber
Township Clerk
Township of West Windsor

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, CDW Government is an authorized vendor under NJ State Contract M0003-89849 and SHI International is an authorized vendor under NJ State Contract M0003-89851, and

WHEREAS, the following resolutions were approved and certification of funds were authorized as follows:

2019-R022	SHI International	1/7/2019	\$ 85,000.00	COF 2019-02
2019-R060	SHI International	3/4/2019	\$ 4,397.90	COF 2019-33
2019-R070	SHI International	3/18/2019	\$ 23,590.00	COF 2019-40
2019-R093	CDW-Government	4/15/2019	\$ 5,055.00	COF 2019-50
2019-R095	SHI International	4/15/2019	\$ 14,900.00	COF 2019-49
2019-R116	CDW-Government	5/28/2019	<u>\$ 14,850.00</u>	COF 2019-58
			<u>\$147,792.90</u>	

WHEREAS, the Township needs to purchase Barracuda Energize Updates and Instant Replacement for the Township’s Message Archiver from CDW-Government M0003-89849 in the amount of \$2,440.00; and

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

Administration Technology/Computer Services	105 04 268	\$2,440.00
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NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator Marlana Schmid to purchase the above from CDW-Government under NJ State Contracts M0003-89849; and

BE IT FURTHER RESOLVED, that the authorization to the existing New Jersey State Contract M0003-89849 is amended to reflect the \$2,440.00 increase from \$147,792.90 to \$150,232.90.

Adopted: July 8, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 8th day of July 2019.

Gay M. Huber
 Township Clerk
 West Windsor Township

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, CDW Government is an authorized vendor under NJ State Contract M0003-89849 and SHI International is an authorized vendor under NJ State Contract M0003-89851, and

WHEREAS, the following resolutions were approved and certification of funds were authorized as follows:

2019-R022	SHI International	1/7/2019	\$ 85,000.00	COF 2019-02
2019-R060	SHI International	3/4/2019	\$ 4,397.90	COF 2019-33
2019-R070	SHI International	3/18/2019	\$ 23,590.00	COF 2019-40
2019-R093	CDW-Government	4/15/2019	\$ 5,055.00	COF 2019-50
2019-R095	SHI International	4/15/2019	\$ 14,900.00	COF 2019-49
2019-R116	CDW-Government	5/28/2019	\$ 14,850.00	COF 2019-58
2019-R145	CDW-Government	7/8/2019	<u>\$ 2,440.00</u>	COF 2019-65
			\$150,232.90	

WHEREAS, the Township needs to pay semi-annual subscription costs for Vehicle Tracking Solutions fleet tracking from SHI International under New Jersey State Contract M0003-89851 in the amount of \$4,321.80; and

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

Administration Technology/Computer Services 105 04 268 \$4,321.80

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator Marlena Schmid to purchase the above from SHI International under NJ State Contracts M0003-89851; and

BE IT FURTHER RESOLVED, that the authorization to the existing New Jersey State Contract M0003 is amended to reflect the \$4,321.80 increase from \$150,232.90 to \$154,554.70.

Adopted: July 8, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 8th day of July 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township awarded a construction contract in the amount of \$842,073.00 on October 16, 2017 (Resolution 2017-R262) to Lucas Brothers, Inc. for the project known as 2017 Annual Road Improvement Program; 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 line item appropriation accounts:

<i>Traffic Safety Improvement Hazard Mitigation</i>	<i>405-2014-13 008</i>	<i>\$381,767.48</i>
<i>Account Title</i>	<i>Account Number</i>	<i>Amount</i>
<i>Traffic Safety Improvement Hazard Mitigation</i>	<i>405-2015-06 007</i>	<i>\$460,305.52</i>
<i>Account Title</i>	<i>Account Number</i>	<i>Amount</i>

WHEREAS, Change Order No. 1 and Final which accounts for final project quantities, resulting in a decrease of \$78,715.46 (-9.35%) for the completion of the 2017 Annual Road Improvement Program; and

WHEREAS, Change Order No. 1 and Final which accounts for final project duration due to weather, winter conditions and additional work on Deerfield Drive, resulting in an increase in the duration of the project by 430 days for completion of the 2017 Annual Road Improvement Program; and

WHEREAS, the Township Engineer, in consultation with the Project Engineer, Van Cleef Engineering Associates, has inspected the project and recommends that Change Order No. 1 and Final be approved; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that Change Order No. 1 and Final for the completion and final closeout of the 2017 Annual Road Improvement Program contract is hereby approved, adjusting the original contract amount of \$842,073.00 to a revised contract amount of \$763,357.55.

BE IT FURTHER RESOLVED that the Township Business Administrator is hereby authorized to execute Contract Change Order No. 1 and Final for the completion and final closeout of the 2017 Annual Road Improvement Program.

Adopted: July 8, 2019

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 8th day of July 2019.

Gay M. Huber
 Township Clerk
 West Windsor Township