

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

**June 28, 2021**

**VIA Zoom Video Communications**

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - Statement of Adequate Notice - January 8, 2021 to The Times and the Princeton Packet and posted on the Township web-site. All Council meetings are open to the public with access via Zoom for those who wish to attend virtually. Please see Township web-site for further details.
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

11. Consent Agenda

A. Resolutions

2021-R107 Refund of Overpaid Sewer Rent

2021-R108 Authorizing the Release of Escrow Deposits to DDR Nassau Park - Kohl's (PB18-07)

2021-R109 Authorizing the Release of Escrow Deposits for Various Development Plan Review Projects

2021-R110 Approving the Request for a Permit from L.E.A.D. Fest State Fair for a Public Fireworks Display on July 3<sup>rd</sup>, July 4<sup>th</sup> and July 10<sup>th</sup>, 2021 (no scheduled rain date) at Mercer County Park

B. Minutes

March 24, 2021 - Budget Session #4

May 24, 2021 - Business Session

May 24, 2021 - Closed Session

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2021-R111 Approval of Liquor License Renewals for 2021-2022

2021-R112 Authorizing the Full Release of the Cash Performance Guarantee for the Private On-Site Improvements for the Project Known as Honey Bee Day School (PB15-04AM) in the amount of \$53,990.92

2021-R113 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Center State Engineering for Professional Surveying and Engineering Design Services for the Project Known as Rabbit Hill Road Roadway Reconstruction Project- \$46,500.00

2021-R114 Authorizing the Mayor and Clerk to Execute Amendment #4 with BANC3 Inc. for the Project Known as Cranbury Road Sidewalk for Supplemental Work for a Phase 1 Archaeological Survey as Required by the NJDEP in the Amount of \$10,000.00 for a Total Not to Exceed of \$162,735.00

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, the Tax Collector, Kelly A. Montecinos, has certified the following company overpaid their client's sewer rent; and

WHEREAS, the Tax Collector is requesting that the overpaid sewer rent be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the following refund be made:

<u>Taxpayer</u>	<u>Refund</u>
PAYEE: FIG NJ19, LLC P.O. Box 54472 New Orleans, LA 70154-4472	\$ 567.12

OWNER: Zhang, Frank & Lynn Guan  
PROPERTY LOCATION: 30 Warwick Road  
BLOCK: 15.11 LOT: 59.03 C5903

Total: \$ 567.12

Adopted: June 28, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28<sup>th</sup> day of June, 2021.

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Gay M. Huber  
Township Clerk  
West Windsor Township

## RESOLUTION

WHEREAS, the following applicant filed application with West Windsor Township Planning/Zoning Board; and

WHEREAS, in conjunction with such application, the following applicant deposited with the Township of West Windsor escrow deposits pursuant to Section 82-3D(1) of the Revised General Ordinances of the Township of West Windsor; and

WHEREAS, professional services undertaken on behalf of the Township in conjunction with said application have been withdrawn and the costs thereof have been listed below; and

WHEREAS, there remains a partial balance in the applicant's escrow account, which the applicant is entitled to be refunded.

Date of Deposit	Project No.	Developers	Total Escrow	Total Disb...	Balance of Escrow
07-Aug-18	PB 18-07	DDR Nassau – Kohl's	\$ 45,866.08	\$ (45,457.94)	\$ 408.14
			<u>\$45,866.08</u>	<u>\$ (45,457.94)</u>	<u>\$ 408.14</u>

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Treasurer is hereby authorized and directed to refund to the applicant the portion of the escrow deposits which the applicant is entitled to be refunded as set forth above.

Adopted: June 28, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
 Gay M. Huber  
 Township Clerk  
 West Windsor Township

## RESOLUTION

WHEREAS, the following applicants filed applications with West Windsor Township Planning/Zoning Board; and

WHEREAS, in conjunction with such applications, the following applicants deposited with the Township of West Windsor escrow deposits pursuant to Section 82-3D(1) of the Revised General Ordinances of the Township of West Windsor; and

WHEREAS, professional services undertaken on behalf of the Township in conjunction with said applications have been withdrawn and the costs thereof have been listed below; and

WHEREAS, there remains a partial balance in the applicants' escrow accounts, which applicants are entitled to be refunded.

Date of Deposit	Project No.	Developers	Total Escrow	Total Disbursement	Balance of Escrow
11-Sep-13	PB 11-08	Day Pitney, LLP	\$11,915.57	(\$11,730.44)	\$185.13
27-Aug-13	ZB 13-06	Wegmans Food Markets, Inc	\$15,160.03	(\$13,595.14)	\$1,564.89
5-Mar-14	PB 14-01 SW	PMG New Jersey, LLC	\$7,942.37	(\$7,534.23)	\$408.14
27-May-14	ZB 14-06	Sumo Enterprises Inc	\$60,626.84	(\$60,163.58)	\$463.26
19-Aug-14	ZB 13-08 SP	Artis Holdings, LLC	\$56,863.10	(\$55,938.30)	\$924.80
24-Sep-15	ZB 15-06	Grovers Mill Apartments LLC	\$12,868.66	(\$12,851.66)	\$17.00
15-Nov-16	PB 16-09	West Windsor Township	\$52,103.20	(\$40,935.20)	\$11,168.00
26-Dec-18	PB 18-11	Boston Properties	\$31,785.40	(\$29,859.14)	\$1,926.26
22-Jan-19	PB 19-02	Ameresco Inc	\$5,000.00	(\$3,083.38)	\$1,916.62
13-May-19	PB 19-09	Boston Properties	\$18,286.24	(\$17,218.32)	\$1,067.92
13-May-19	PB 19-10	Boston Properties	\$13,882.04	(\$13,664.64)	\$217.40

20-May-19	PB 19-11	Boston Properties	\$13,204.02	(\$12,694.80)	\$509.22
20-May-19	PB 19-12	Boston Properties	\$13,305.75	(\$13,144.69)	\$161.06
13-Dec-19	PB 06-01	19 Rosel Road LLC	\$5,000.00	(\$2,891.07)	\$2,108.93
2-Mar-99	PB 99-02	Princeton Land Partners	\$43,683.41	(\$18,509.48)	\$25,173.93
16-Mar-05	PB 05-03	West Windsor Gardens LLC	\$205,802.03	(\$205,538.57)	\$263.46
7-Dec-05	ZB 87-31	Le Noci Realty, Inc	\$5,374.58	(\$948.33)	\$4,426.25
1-Aug-06	PB 06-08	Princeton Research Lands, Inc	\$52,940.15	(\$50,958.11)	\$1,982.04
18-Jul-07	PB 07-06	99 Clarksville LLC	\$80,307.20	(\$80,132.10)	\$175.10
27-Jul-09	PB 09-08	Princeton Theological Seminary	\$106,856.43	(\$84,184.68)	\$22,671.75
30-Jul-09	PB 09-07	Cellco Partnership	\$8,673.10	(\$7,269.76)	\$1,403.34
2-Mar-10	PB 10-01	Blue Ribbon Equity	\$98,832.88	(\$91,965.55)	\$6,867.33
5-Jun-14	PB 12-02AM	Madison Marquette Retail Services, LLC	\$8,763.23	(\$8,177.93)	\$585.30
12-Mar-13	PB 13-02SW	CDV III Princeton Hospitality LLC	\$3,000.00	(\$2,914.22)	\$85.78
19-May-15	PB 15-01 SW	AMC Entertainment, Inc	\$3,000.00	(\$2,948.42)	\$51.58
29-May-15	PB 15-02 SW	Boston Properties	\$1,500.00	(\$633.35)	\$866.65
27-Mar-20	PB 20-02 SW	19 Roszel Road LLC	\$5,748.71	(\$5,469.05)	\$279.66
3-Apr-20	PB 20-04	Clinton & Marta Lively	\$5,420.60	(\$5,132.12)	\$288.48
28-Oct-19	PB 87-27 3rd Amend	Windsor Green Investors, LLC	\$1,000.00	(\$325.50)	\$674.50

7-Aug-96	PB 96-14	Hyatt Regency	\$13,012.95	(\$12,997.95)	\$15.00
2-Oct-17	ZB 11-01 SP Amend	Institute of Islamic Studies of NJ	\$2,844.98	(\$2,769.98)	\$75.00
21-Feb-14	ZB 14-01	Bhagavathi & Anjali Sharathkumar	\$8,973.15	(\$8,410.65)	\$562.50
17-Apr-14	ZB 14-07	Crossfit Central NJ LLC	\$3,500.00	(\$2,434.54)	\$1,065.46
2-Dec-14	ZB 14-10	WWM Properties West, LLC	\$3,500.00	(\$3,358.74)	\$141.26
22-Dec-15	ZB 15-09	Bruce Perrine	\$250.00	(\$216.00)	\$34.00
19-Dec-16	ZB 16-05	Abdullah Qasir	\$3,750.00	(\$2,327.91)	\$1,422.09
27-Jul-17	ZB 17-04	Central Point Service & Const. LLC	\$1,833.31	(\$1,795.81)	\$37.50
31-Dec-18	ZB 18-09	Ellsworth Realty Associates	\$3,500.00	(\$1,710.29)	\$1,789.71
26-Aug-19	ZB 19-08	Pidgeon & Pidgeon, P.C.	\$500.00	\$0.00	\$500.00
29-Aug-19	ZB 19-09	Alastair Bellany & Deborah Yaffe	\$3,500.00	(\$1,398.00)	\$2,102.00
20-Nov-20	ZB 20-02	Rajat Gaur	\$250.00	\$0.00	\$250.00

\$994,259.93    (\$897,831.63)    \$96,428.30

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Treasurer is hereby authorized and directed to refund to the applicants the portion of the escrow deposits which the applicants are entitled to be refunded as set forth above.

Adopted: June 28, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28<sup>th</sup> day of June, 2021.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

- WHEREAS, the LEAD Festival desires to conduct public firework displays located at Mercer County Park on July 3<sup>rd</sup>, July 4<sup>th</sup>, and July 10<sup>th</sup>, 2021, no scheduled rain dates; and
- WHEREAS, said fireworks displays 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-011-51-8E-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 displays by resolution prior to granting of a permit by the Fire Marshal; and
- WHEREAS, the Township Fire Marshal has designated the fireworks displays 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 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 Volunteer Fire Company who will provide police, and fire protection for said fireworks displays and 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 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 displays.

Adopted: June 28, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at its meeting held on 28<sup>th</sup> day of June, 2021.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, 2021-2022 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

- 1113-33-010-004 OTB Acquisition of New Jersey LLC dba On The Border Mexican Grill & Cantina
- 1113-33-009-005 Tommy's Princeton LLC dba Tommy's Tap and Tavern
- 1113-33-018-001 MarketFair Holdings II LLC (Pocket License)

HOTEL/MOTEL LICENSEES

- 1113-36-008-005 AVR Princeton Hotel Tenant LLC dba Hyatt Regency Princeton

PLENARY RETAIL DISTRIBUTION LICENSEES

- 1113-44-004-011 Princeton Market Inc. dba McCaffreys Wines & Spirits

Adopted: June 28, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28<sup>th</sup> day of June, 2021.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, Megharani Thube has made a request for a release of the performance guarantee posted for private site improvements in connection with construction associated with the project known as Honey Bee Day School (PB15-04AM); and

WHEREAS, the performance guarantee is currently at 30% of its original amount; and

WHEREAS, the West Windsor Township Engineering Division staff have performed inspections and recommend that the performance guarantee for private site improvements be released in connection with construction associated with the project known as Honey Bee Day School (PB15-04AM), as follows:

Performance <u>Guarantee</u>	Original <u>Amount</u>	Date <u>Issued</u>	Current <u>Amount</u>	Recommended <u>Action</u>
Cash	\$53,990.92	12/27/2018	\$16,198.00	FULL RELEASE

WHEREAS, the Township Engineer recommends that 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 guarantee posted by Megharani Thube for private site improvements in connection with construction associated with the project known as Honey Bee Day School (PB15-04AM), be released, as follows:

Performance <u>Guarantee</u>	Original <u>Amount</u>	Date <u>Issued</u>	Current <u>Amount</u>	Recommended <u>Action</u>
Cash	\$53,990.92	12/27/2018	\$16,198.00	FULL RELEASE

ADOPTED: June 28, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28<sup>th</sup> day of June, 2021.

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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 received June 7, 2021 indicating they will provide professional engineering and land surveying design services for the Rabbit Hill Road Roadway Reconstruction Project for Forty-Six Thousand Five Hundred Dollars (\$46,500.00); and

WHEREAS, Center State Engineering has indicated a performance period for the professional surveying and engineering design services of ninety (90) days from the date of project initiation; 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 Forty-Six Thousand Five Hundred Dollars (\$46,500.00); 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 account:

Roadway Improvements	405-2019-18 011	\$46,500.00
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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 of ninety (90) days from the date of project initiation for professional engineering and land surveying design, for an amount not to exceed Forty-Six Thousand Five Hundred Dollars (\$46,500.00).
- (2) The Agreement so authorized shall require the Provider to provide professional engineering and land surveying services pursuant to its proposal dated June 7, 2021. 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: June 28, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28<sup>th</sup> day of June, 2021.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor required professional engineering services on a consultant basis in conjunction with the project known as Cranbury Road Sidewalk Project; and

WHEREAS, BANC3, Inc. was awarded the contract on July 13, 2015, an Amendment #1 to their contract on April 4, 2016, an Amendment #2 to their contract on December 17, 2018 and an Amendment #3 to their contract on April 20, 2020 for a revised total contract amount of One Hundred Fifty-Two Thousand Seven Hundred Thirty-Five Dollars (\$152,735.00); and

WHEREAS, there is a need for additional work to provide for a Phase I archaeological survey as required by the New Jersey Department of Environmental Protection to extend sidewalk from Stobbe Lane to Steele Drive, as outlined in documents dated May 20, 2021 and May 21, 2021; and

WHEREAS, the value of the amount of additional services is Ten Thousand Dollars (\$10,000.00) for a total revised contract amount of One Hundred Sixty-Two Thousand Seven Hundred Thirty-Five Dollars (\$162,735.00); 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 account:

Bicycle and Pedestrian Improvements	405-2013-09 004	\$10,000.00
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WHEREAS, said Amendment #4 to the Agreement for Professional Services has been reviewed by the Township Engineer and recommended to be executed; and

WHEREAS, services to be performed may be retained by the Township without public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because the aforesaid services are professional in nature; and

WHEREAS, the Local Public Contracts Law requires a resolution authorizing the award of a contract for the services without competitive bidding be publicly advertised.

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, Amendment #4 to the Agreement for Professional Engineering Services with BANC3, Inc. of Princeton, NJ.

- 2) This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
- 3) All other terms and conditions of the Agreement with BANC3, Inc. dated July 13, 2015 remain in full force and effect.
- 4) An Executed copy of the revised Agreement between the Township and BANC3, Inc. and a copy of this Resolution shall be on file and available for public inspection in the office of the Township Clerk

Adopted: June 28, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28<sup>th</sup> day of June, 2021.

---

Gay M. Huber  
Township Clerk  
West Windsor Township