

**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**

November 22, 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
Communities of Light - Proclamation
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-R194 Refund of Sewer Overpayment

B. Minutes

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2021-R195 Certification of Compliance with the Promulgation of the Local Finance Board of the State of New Jersey for the 2020 Annual Report of Audit

2021-R196 Approving the Updates and Changes to the Township's Employee Personnel Policies and Procedures Handbook in Accordance With Recommended Changes by the Township's Municipal Excess Liability Joint Insurance Fund MELJIF

2021-R197 Authorizing the Mayor and Clerk to Execute the Reimbursement Agreement with Windsor Woods Luxury Apartments for Solid Waste Collection Costs for 2020 - \$45,535.27

2021-R198 Authorizing the Mayor and Clerk to Execute the Reimbursement Agreement with Various Condominium and Homeowner Associations for Trash and Recycling Collection and Disposal and Snow Removal - \$125,700.41

2021-R199 Authorizing the Mayor and Clerk to Execute a One Year Extension of the Contract with Princeton Air Conditioning Inc., from January 1, 2022 through December 31, 2022 - \$47,304.00

2021-R200 Authorizing the Mayor and Clerk to Execute an Amendment to the Lease Agreement with the West Windsor Arts Council to Extend the Lease to December 31, 2022

- 2021-R201 Authorizing the Business Administrator to Execute Change Order No. 1 with Mecco Inc., For a Decrease of 13.98% for Final Quantities Adjustment and Project Closeout for the Project Known as Alexander Road Reconstruction Project-Phase 4 - (\$66,995.22)
- 2021-R202 Authorizing the Business Administrator to Purchase a new Case Loader with Tink Claw and Hydraulic Adjustable Forks from GT Mid Atlantic - \$190,800.00
- 2021-R203 Authorizing the West Windsor Planning Board to Undertake an Investigation to Determine Whether Certain Property Block 5, Lot 8.05; 150 acres West of Little Bear Brook on the SRI Property Constitute an Area in Need of Redevelopment and Submit Recommendations to the Township Council
- 2021-R204 Requesting Extending Interim Redeveloper's Agreement Between West Windsor Township and Penn's Neck Associates, L.L.C. Through December 31, 2022

14. Introduction of Ordinances

- 2021-17 AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR AUTHORIZING ACQUISTION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 5, PART OF LOT 8.05 TAX MAP REFERENCED AND CONSISTING OF 3.297 ACRES TO THE TOWNSHIP OF WEST WINDSOR FOR PUBLIC PURPOSES

PUBLIC HEARING: December 13, 2021

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

- 2021-R201 Authorizing the Business Administrator to Execute Change Order No. 1 with Mecco Inc., For a Decrease of 13.98% for Final Quantities Adjustment and Project Closeout for the Project Known as Alexander Road Reconstruction Project-Phase 4 - (\$66,995.22)
- 2021-R202 Authorizing the Business Administrator to Purchase a new Case Loader with Tink Claw and Hydraulic Adjustable Forks from GT Mid Atlantic - \$190,800.00
- 2021-R203 Authorizing the West Windsor Planning Board to Undertake an Investigation to Determine Whether Certain Property Block 5, Lot 8.05; 150 acres West of Little Bear Brook on the SRI Property Constitute an Area in Need of Redevelopment and Submit Recommendations to the Township Council
- 2021-R204 Requesting Extending Interim Redeveloper's Agreement Between West Windsor Township and Penn's Neck Associates, L.L.C. Through December 31, 2022
- 2021-R205 Approving the Request for a Permit for the West Windsor Tree Lighting for a Public Fireworks Display on December 5, 2021 (Rain date December 12, 2021) at the Ron Rogers Arboretum

14. Introduction of Ordinances

2021-17 AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 5, PART OF LOT 8.05 TAX MAP REFERENCED AND CONSISTING OF 3.297 ACRES TO THE TOWNSHIP OF WEST WINDSOR FOR PUBLIC PURPOSES

PUBLIC HEARING: December 13, 2021

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

RESOLUTION

WHEREAS, the Tax Collector, Kelly A. Montecinos, has certified the following homeowner overpaid their 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: Schroeder, William & Donna Trustee 2243 Stratford Road Richmond, VA 23225-1920	\$ 396.24

OWNER: Schroeder, William & Donna
PROPERTY LOCATION: 28 N Mill Road
BLOCK: 19 LOT: 49.01

Total: \$ 396.24

Adopted: November 22, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, That the governing body of the Township of West Windsor, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted: November 22, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

Authorizing Changes to the Township of West Windsor's Employment Practices Risk Control Program

- WHEREAS, the Township of West Windsor is a member of the Mid Jersey Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund (MELJIF); and
- WHEREAS, fund members with an adopted MELJIF model employment practices risk control program are eligible for premium and deductible incentives; and
- WHEREAS, fund members must update said program every two years to remain eligible for premium and deductible incentives; and
- WHEREAS, the Department of Administration recommends the Township Council approve the updates to the West Windsor Township Employment Practices Risk Control Program in accordance with recommended updates issued by the Model Personnel Committee of the MEJIF; and
- WHEREAS, the recommended updates and changes for the 2021-2022 Policy Years are incorporated in the Employee Personnel Policies and Procedures Handbook; and
- WHEREAS, the Department of Administration wishes to ensure that Township personnel management provides appropriate, consistent and uniform personnel policies and procedures for West Windsor municipal employees and Management staff including Department Heads and Division Managers; and
- WHEREAS, a copy of the Employee Personnel Policies and Procedures Handbook, with all updates and changes are on file in the office of the Township Clerk.

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

The updates and changes as recommended by the Department of Administration to the Township of West Windsor's Employee Personnel Policies and Procedures Handbook are hereby approved.

A notice concerning the adoption of the updated Handbook and copies of the handbook shall be distributed by the Business Administrator to Management Staff for dissemination to West Windsor Township personnel. These amendments take effect immediately.

Adopted: November 22, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November 22, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, C.299 of P.L. 1989 (NJSA 40:67-23.2 et seq.) establishes a policy and schedule of the reimbursement of costs for refuse and recycling collection and disposal, snow removal and street lighting costs incurred by qualified private communities; and
- WHEREAS, Canal Pointe Condominium Association, Village Grande Homeowners Association, The Elements at West Windsor Homeowners Association and Westwinds Homeowners Association qualify; and
- WHEREAS, the Township of West Windsor has agreed to reimburse the above-mentioned Condominium and Homeowners Association communities for snow removal costs and refuse and recycling costs for 2020, 2019 and 2018; and

- WHEREAS, funds are available as evidenced by the Chief Financial Officer's certification of funds;

Canal Pointe Condominium Association		
Refuse Collection – Other Expenses 105-58-224A		\$119,659.51
Snow Trust -2020	121407	\$ 1,320.00
Village Grande Homeowners Association		
Snow Trust -2020	121407	\$ 2,262.19
Elements at West Windsor Homeowners Association		
Snow Trust-2020	121407	\$ 764.95
Westwinds Homeowners Association		
Snow Trust -2020	121407	\$ 279.86
Snow Trust -2019	121407	\$ 95.67
Snow Trust -2018	121407	\$ <u>1,318.23</u>
Total		\$ <u>125,700.41</u>

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute agreements with these Associations to reimburse them for certain snow removal and refuse and recycling costs pursuant of NJSA 40:67-23.2 ET. Seq. in the following amounts.

Canal Pointe Condominium Association	
Refuse and Recycling (2020)	\$119,659.51
Snow Removal (2020)	\$ 1,320.00
Village Grande Homeowners Association	
Snow Removal (2020)	\$ 2,262.19
Elements at West Windsor Homeowners Association	
Snow Removal (2020)	\$ 764.95
Windsor Haven Condominium Association	
Snow Trust (2020)	\$ 279.86
Snow Trust (2019)	\$ 95.67
Snow Trust (2018)	\$ <u>1,318.23</u>
Total	\$ <u>125,700.41</u>

Adopted: November 22, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, on October 28, 2019, the Township Council passed Resolution 2019-R231 authorizing a contract with Princeton Air Conditioning, Inc. of Princeton Junction, NJ in the amount of Forty Seven Thousand Three Hundred Four Dollars (\$47,304.00) for maintenance and service of the heating, ventilation and air conditioning (HVAC) systems for various Township facilities for the period January 1, 2020 through December 31, 2020; and
- WHEREAS, on November 30, 2020, the Township Council adopted Resolution 2020-R238 which extended the existing service contract for one (1) year beginning on January 1, 2021 and terminating on December 31, 2021; and
- WHEREAS, the Township has the option of renewing the contract for an additional one (1) year period on the same terms and conditions for these services; and
- WHEREAS, the services performed by Princeton Air Conditioning, Inc. under the current contract have been determined to be acceptable; and
- WHEREAS, the Township wishes to extend the contract for said work to Princeton Air Conditioning, Inc. for an additional one (1) year period with no price increase in accordance with the pricing, terms and conditions set forth in the initial bid proposal; and
- WHEREAS, the Chief Financial Officer has certified that funds for these services are available subject to the adoption of the 2022 Municipal Budget:

Building and Grounds: HVAC Repair and Maintenance 105-53-218 \$47,304.00

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 one (1) year contract extension with Princeton Air Conditioning, Inc., for an amount not to exceed Forty Seven Thousand Three Hundred Four Dollars (\$47,304.00) for maintenance and service of the heating, ventilation and air conditioning (HVAC) systems for various Township facilities for a period of January 1, 2022 through December 31, 2022.
- (2) An executed copy of the Contract between the Township and Princeton Air Conditioning Inc. along with a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: November 22, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November 2021.

Gay M. Huber
Township Clerk,
West Windsor Township

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN
THE WEST WINDSOR ARTS COUNCIL AND THE TOWNSHIP OF WEST WINDSOR FOR
THE LANDS COMMONLY KNOWN AS 952 ALEXANDER ROAD, BLOCK 75, LOT 6 (A.K.A. ARTS
CENTER OR THE OLD PJ VOLUNTEER FIRE STATION), WEST WINDSOR, NEW JERSEY

- WHEREAS, the Township Council of West Windsor originally authorized the execution of a ten (10) year Lease Agreement (“Lease: or “Agreement”) with the West Windsor Arts Council, a not-for-profit 501(c) (3) organization, on August 2, 2010, via Resolution No. 2010-R166A; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 1 on July 13, 2020 via Resolution 2020-R141 which extended the existing Lease Agreement for five (5) months and terminated on December 31, 2020; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 2 on November 30, 2020 via Resolution 2020-R240 which extended the existing Lease Agreement for twelve (12) months beginning on January 1, 2021 and terminating on December 31, 2021; and
- WHEREAS, the Property (“Property”) owned by the Township and leased under the Agreement is located at Block 75, Lot 6 on the official Tax Map of West Windsor Township, and is commonly known as 952 Alexander Road (a.k.a. Arts Center or Old PJ Volunteer Fire Station); and
- WHEREAS, it would be in the best interest of both parties to execute a one (1) year extension of the existing Lease Agreement whereas all existing terms and conditions remain unchanged, so that a new long term Lease Agreement can be thoroughly negotiated; and
- WHEREAS, the Township is empowered to lease municipally-owned property, to the West Windsor Arts Council pursuant to N.J.S.A. 40:60-25.51, so long as the governing body determines same to be “desirable for the public convenience and welfare.”

NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of West Windsor, does hereby approve Amendment No. 3 to the existing Lease Agreement with the West Windsor Arts Council for a one (1) year extension, beginning January 1, 2022 and terminating on December 31, 2022, in exchange for the monthly rental rate of \$845.00.

BE IT FURTHERED RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute and record any document(s) necessary in the fulfillment of this Resolution, specifically, the amendment to the initial Lease Agreement.

BE IT FINALLY RESOLVED that, upon final execution, the amendment to the initial Lease Agreement shall be incorporated by reference into this Resolution and shall be attached hereto as Amendment No.3.

Adopted: November 22, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November 2021.

Gay M. Huber
Township Clerk,
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township awarded a contract for the Alexander Road Reconstruction Project - Phase 4 to Mecco, Inc. on February 24, 2020 for the contract amount of \$479,120.10 (Resolution 2020-R068) as set forth in the contract documents; and

WHEREAS, Certifications of Funds for the original contract and Change Order No. 1 were received from the Chief Financial Officer and funds for said contract were available in the following line item appropriation accounts:

<u>Traffic Safety Improvement Hazard Mitigation</u>	<u>405-2015-06 008</u>	<u>\$78,457.81</u>
Account Title	Account Number	Amount
<u>Roadway Improvements – NJDOT Grant</u>	<u>405-2017-21 009</u>	<u>\$225,000.00</u>
Account Title	Account Number	Amount
<u>Roadway Improvements</u>	<u>405-2018-15 012</u>	<u>\$175,662.29</u>
Account Title	Account Number	Amount

WHEREAS, Change Order No. 1, which accounts for a decrease of \$66,995.22 (-13.98%) in the total contract cost for final quantities and project closeout, has been submitted by the Contractor; and

WHEREAS, the Township Engineer has inspected the project and recommends the change order.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that Change Order No. 1 for final quantities and project closeout is hereby approved, adjusting the construction scope and quantities of the original contract amount of \$479,120.10 to a revised contract amount of \$412,124.88.

BE IT FURTHER RESOLVED that the Township Business Administrator is hereby authorized to execute Contract Change Order No. 1 for final quantities and project closeout.

Adopted: November 22, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) New Case Loader with Tink Claw and Hydraulic Adjustable Forks for the Department of Public Works; and

WHEREAS, West Windsor Township is a member of The Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System and the Loader is available from GT Mid Atlantic., 212 Monmouth Rd, Freehold, NJ 07728 at a cost of \$163,300; and

WHEREAS, a Tink Claw and Hydraulic Adjustable Forks are needed for use with the Loader and these parts are not part of cooperative pricing system contract; and

WHEREAS, the Department of Public Works received three (3) quotes and GT Mid Atlantic had the lowest priced quote totaling \$27,500.00; and

WHEREAS, funding is available through the approved 2021 Capital Budget and the Chief Financial Officer has certified that funds are available for said equipment in the following account:

Public Works - Acquisition of Vehicle Account Code 405 2021 14028 \$190,800.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase one (1) Case Loader with Tink Claw and Hydraulic Adjustable Forks under ESCNJ Cooperative Pricing System for a total of \$190,800.00 from GT Mid Atlantic, 212 Monmouth Rd Freehold, NJ 07728.

Adopted: November 22, 2021

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 22nd day of November, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment;

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the Township Council (the “Council”) of the Township of West Windsor (the “Township”) must authorize the Planning Board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area and make recommendations to the Council; and

WHEREAS, the Township previously designated an approximately 100 acre portion of the property identified as Block 5, Lot 8.05 on the Official Tax Map of the Township as an area in need of redevelopment under the Redevelopment Law and thereafter incorporated such parcel into the RP-1 and RP-10 districts within the Princeton Junction Redevelopment Plan; and

WHEREAS, the Council believes it is in the best interest of the Township that an investigation occur with respect to the approximately 150 acre balance of Block 5, Lot 8.05 and therefore authorizes and directs the Planning Board to conduct an investigation of such 150 acre balance of the property identified as Block 5, Lot 8.05 on the Official Tax Map of the Township (the “Study Area”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and

WHEREAS, if the Study Area is determined to meet the criteria for designation as an area in need of redevelopment and the Township so designates the Study Area, then the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, except for the power of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of West Windsor, County of Mercer, State of New Jersey, that the Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A- 5 to be designated as an area in need of redevelopment under the Redevelopment Law; and

BE IT FURTHER RESOLVED that as part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcel(s) contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

BE IT FURTHER RESOLVED that the Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically N.J.S.A. 40A:12A-6, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township to exercise the power of eminent domain to acquire any property in the delineated area, as the Study Area is being investigated as a possible Non-Condensation Redevelopment Area.

BE IT FURTHER RESOLVED that the Planning Board, following said preliminary investigation and hearing, is further authorized and directed to make a recommendation to the governing body of the Township, pursuant to N.J.S.A. 40A:12A-6, as to whether the Study Area should or should not be determined by the governing body to be a Non-Condensation Redevelopment Area.

BE IT FURTHER RESOLVED that in the event the governing body shall designate the Study Area as a Non-Condensation Redevelopment Area, the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, except for the power of eminent domain.

ADOPTED: November 22, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, by Resolution 2019-R191, adopted on September 3, 2019, the Township Council (the “Township Council”) of the Township of West Windsor (the “Township”) designated the area consisting of the properties known as Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township (the “Redevelopment Area”) as an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”); and
- WHEREAS, by Ordinance Number 2020-05, adopted on February 24, 2020, the Township Council approved and adopted a redevelopment plan for the Redevelopment Area, entitled “Penns Neck Redevelopment Plan” (the “Redevelopment Plan”); and
- WHEREAS, Penns Neck Associates, LLC, with offices at c/o Penns Neck Plaza, LLC, 463 Jefferson Road, Princeton, New Jersey (the “Redevelopment Entity”) has expressed an interest in redeveloping the Redevelopment Area; and
- WHEREAS, the Redevelopment Entity proposes to construct, on the Redevelopment Area, a project consisting of a mix of commercial type uses (the “Redevelopment Project”); and
- WHEREAS, by Resolution 2020-R166, adopted on August 17, 2020, the Township designated the Redevelopment Entity as the conditional redeveloper of the Redevelopment Area for a period of 180 days and the Redevelopment Entity thereafter began developing a plan to redevelop the Redevelopment Area and the parties began negotiating the terms of the potential redevelopment of the Redevelopment Area; and
- WHEREAS, by Resolution 2020-R257, adopted on December 14, 2020, the Township extended the designation of the Redevelopment Entity as conditional redeveloper through December 31, 2021; and
- WHEREAS, the Township and the Redevelopment Entity entered into an Interim Costs Agreement for the purpose of funding the Township’s costs associated with the Redevelopment Project (the “Interim Costs Agreement”) on August 17, 2020; and
- WHEREAS, the Interim Costs Agreement, by its terms, is in effect so long as the Redevelopment Entity is designated as the conditional redeveloper; and
- WHEREAS, the Township desires to further extend the Redevelopment Entity’s conditional redeveloper designation to give the Redevelopment Entity additional time to plan the redevelopment of the Redevelopment Area and negotiate the terms of the redevelopment of the Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of West Windsor, County of Mercer, State of New Jersey, that the designation of the Redevelopment Entity as the conditional redeveloper of the Redevelopment Area is hereby extended through December 31, 2022, contingent upon the Redevelopment Entity providing any additional project related information as may be reasonably requested by the Township.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

ADOPTED: November 22, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, West Windsor Township desires to conduct a public firework display located at The Ron Rogers Arboretum on December 5, 2021 with a rain date of December 12, 2021; 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-011-51-8E-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 display by resolution prior to granting of a permit by the Township 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 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 Princeton Junction Fire Company who will provide police, and fire protection for said fireworks display 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 display.

Adopted: November 22, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

WEST WINDSOR TOWNSHIP
MERCER COUNTY, NEW JERSEY

ORDINANCE 2021-17

AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR
AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY KNOWN
AS BLOCK 5, PART OF LOT 8.05
TAX MAP REFERENCED AND
CONSISTING OF 3.297 ACRES
THE TOWNSHIP OF WEST WINDSOR FOR
PUBLIC PURPOSES

WHEREAS, the Council of the Township of West Windsor (the “Township”) has determined that a need exists to acquire an approximately 3.297-acre portion of the real property designated as Block 5, Lot 8.05 on the Township’s tax maps (3740 Brunswick Avenue) for roadway extension/reconfiguration and other traffic improvement purposes, and such other public purposes as are authorized by law (the “Property”); and

WHEREAS, the Township has determined that said uses are public purposes and will promote the general health and welfare of the community by expanding necessary roadway infrastructure; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a)(1) of the Local Land and Buildings Law, N.J.S.A. 40A:12-1 *et seq.*, and N.J.S.A. 40A:12A-8c of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, the Township may provide for the acquisition of any real property, capital improvement, or personal property by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a)(1), the Township must adopt an ordinance before exercising the statutory authority to acquire real property for public purposes.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, THAT:

Section 1. The aforementioned Recitals are incorporated herein as though set forth at length.

Section 2. The Township is hereby authorized to acquire the approximately 3.297-acre portion of the real property designated as Block 5, Lot 8.05 on the Township’s tax maps (3740 Brunswick Avenue), more particularly described and depicted in **Exhibit A** attached hereto.

Section 3. The property acquisition authorized herein may be achieved by any of the following methods: (i) consummation of a purchase and sale contract by negotiations with the property owners pursuant to N.J.S.A. 40A:12-5(a)(1) and N.J.S.A. 20:3-6 of the Eminent Domain Act, (ii) by a gift, grant, or contribution by the property owners pursuant to N.J.S.A. 40A:12-

5(a)(1), or (iii) by condemnation of any such property, pursuant to the Eminent Domain Act (N.J.S.A. 20:3-1 *et seq.*).

Section 4. The Township Attorney and/or other special legal counsel, and the Township's Land Use Manager, are hereby authorized and directed to perform or carry out or cause to be performed or carried out, any studies, surveys, tests, soundings, borings, appraisals, title searches and title report reviews, as may be necessary to determine the value of the Property, the location and quality of the Property and any environmental matters associated with the Property and to undertake any action necessary or appropriate to acquire the aforementioned Property. Any such actions taken prior to the date hereof are hereby ratified.

Section 5. The Mayor and Township Clerk are hereby authorized to undertake any actions and execute and deliver any paper, form, instrument or document necessary or appropriate to acquire said parcel by any of the methods set forth herein, including such documents relating to an action in condemnation.

Section 6. The ordinance shall take effect after action or inaction by the Mayor or an override of the mayoral veto by the Township Council, whichever is applicable, upon publication, according to law.

INTRODUCTION: November 22, 2021

PUBLIC HEARING:

ADOPTED:

MAYOR'S APPROVAL:

EFFECTIVE DATE: