

**MEETING TO BE  
LIVE STREAMED AT**

<https://www.youtube.com/channel/UC8i0yw7Ihozymgo4N68jJdg/live>

**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**

**December 12, 2022**

**VIA Zoom Video Communications**

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 7, 2022 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

- 2022-24 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140 "SMOKING AND USE OF TOBACCO PRODUCTS BANNED"; ARTICLE 1 "SCHOOL FACILITIES AND PROPERTIES; AND ARTICLE II "PUBLIC PLACES AND ADDING ARTICLE IV "MULTIPLE DWELLING SMOKING POLICY REQUIRED IN MULTIPLE DWELLINGS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999)
- 2022-25 AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR AUTHORIZING ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENT OVER CERTAIN REAL PROPERTY KNOWN AS BLOCK 6, LOT 48 AS REFERRED ON THE TAX MAP CONSISTING OF .448 ACRES WITHIN THE TOWNSHIP OF WEST WINDSOR FOR PUBLIC PURPOSES

11. Consent Agenda

A. Resolutions

- 2022-R262 Establishing January 2, 2023 as an Official Township Holiday
- 2022-R263 Authorizing the Refund of Escrow Deposits for Various Development Plan Review Projects

B. Minutes

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

- 2022-R264 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Spiezle Architectural Group, Inc. for Architectural Services for Senior Center Floor Replacement - \$10,220.00

2022-R265 Authorizing the Business Administrator to Purchase Five (5) 2023 Police Vehicles from Charles S. Winner, Inc. dba Winner Ford a State of New Jersey Contract Vendor - \$178,403.00

2022-R266 Authorizing the Business Administrator to Purchase for Five (5) New 2023 Police Vehicles Emergency Equipment from Emergency Accessories and Installations (EAI) a State of New Jersey Contract Vendor - \$110,373.70

2022-R267 Authorizing Special Counsel Connell Foley, LLP to Execute on Behalf of West Windsor Township the Proposed Consent Order for Final Judgement for the Acquisition of the Hall Property Located on Village Road East - \$1,975,000.00

2022-R268 Authorizing the Chief Financial Officer to Increase the Purchase Order for John J. Curley of Connell Foley LLP By \$11,150.00 For a Total Not to Exceed of \$106,637.83

2022-R269 Authorizing the Full Release of Performance Guarantees for Public and Private Improvements for the Project Known as Enclave at Princeton Junction PB14-10TH and Requiring a One Year Maintenance Guarantee in the Amount of \$287,396.00

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140 “SMOKING AND USE OF TOBACCO PRODUCTS BANNED”; ARTICLE 1 “SCHOOL FACILITIES AND PROPERTIES; AND ARTICLE II “PUBLIC PLACES AND ADDING ARTICLE IV “MULTIPLE DWELLING SMOKING POLICY REQUIRED IN MULTIPLE DWELLINGS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999)

- WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good of government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and
- WHEREAS, N.J.S.A. 26:3D-63 expressly authorizes municipalities to enact strict ordinances regulating smoking; and
- WHEREAS, P.L. 2005, c. 383, the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 et seq. was enacted by the state legislature to ensure workers have a safe, smoke-free workplace and all nonsmokers – including children and senior citizens, can breathe smoke-free air in public places; and
- WHEREAS, West Windsor Township Council seeks to update the language in the local ordinance related to smoking to provide clarity and to align with state regulations; and
- WHEREAS, retail establishments which encourage congregation of smokers in locations which are located in close proximity to residential dwellings and/or indoor workplaces pose potential health risks for the public; and
- WHEREAS, the Township Council recognizes the well-known health and safety risks posed by smoking to the smoker and those exposed to second-hand smoke, and finds that it is within the public interest to require property owners to adopt policies to govern smoking on properties where individuals reside separately, but within close proximity to one another; and
- WHEREAS, Township Council further finds that establishing requirements for property owners of multi-unit dwellings to adopt smoking policies for housing complexes and inform residents about the content of the policy, will help enable residents and future residents in making informed decisions regarding home selection and will protect health, safety and welfare of the public.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor, in the County of Mercer and State of New Jersey, Chapter 140 is amended as follows:

#### Article I School Facilities and Properties

140-1 Smoking prohibited; exceptions.

[The smoking of tobacco products within any facility, property or vehicle owned, leased or contracted for by the District[1] by an individual within the Township of West Windsor is prohibited. Consistent with N.J.S.A. 26:3D-16 and 26:3D-17, "smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, except as part of a classroom instruction or a theatrical production.]

Smoking is prohibited in any area of any building of, or on the grounds of, any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor public place or is outdoors. Smoking by individuals is further prohibited within any vehicle owned, leased or contracted for by the District. Smoking means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Editor's Note: The "District" means the West Windsor-Plainsboro School District.

#### Article II Public Places

140-5 Definitions.

##### **Smoking**

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis or any other matter that can be smoked, or the inhaling or exhaling of smoke[.] from an electronic smoking device.

140-6 Prohibition of smoking in public places; signs.

##### D. Retail establishments.

1. Smoking shall be prohibited in all retail establishments located within or as part of another indoor public place or workplace, such as a retail establishment located within a shopping mall; or in a retail establishment which shares a common wall, ceiling or floor with an adjacent indoor public place, workplace or private residence; such as a mixed-use property that contains both residential-use and retail spaces.
2. Smoking shall be prohibited in outdoor seating areas constructed for retail establishments which sell or provide tobacco, cannabis or any other matter that can be smoked or inhaled when the outdoor seating area is located within twenty-five (25) feet of a residential property

or indoor public place or workplace which is smoke-free in accordance with the New Jersey Smoke-free Air Act.

#### **Article IV Multiple Dwelling Smoking Policy Required in Multiple Dwellings**

140-15 Purpose. The purpose of this article is to establish requirements for owners of multiple dwellings to adopt and implement a Multiple Dwelling Smoking Policy for the property and provide notification of such to current and future occupants.

#### 140-16 Definitions.

"Smoking" means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

"Multiple Dwelling" means any building or structure and any land appurtenant thereto, and any portion thereof, in which three or more dwelling units are occupied or intended to be occupied by three or more persons living independently of each other. "Multiple dwelling" also means any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two dwelling units are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. "Multiple dwelling" does not include those buildings and structures that are excluded by statute.

"Person" means an individual, firm, corporation, association, society, or partnership and its agents or employees.

#### 140-17 Requirements for a Multiple Dwelling Smoking Policy Established.

- A. Existing Multiple Dwelling. Every owner of an existing multiple dwelling shall adopt a written Multiple Dwelling Smoking Policy within six (6) months following the effective date of this ordinance. The property owner shall file an attestation with the Health Department indicating compliance with the requirements of West Windsor Township Code, Chapter 140, Article IV.
- B. New Multiple Dwellings. Owners of multiple dwellings established after the effective date of this ordinance shall adopt a written Multiple Dwelling Smoking Policy prior to occupancy of the building. The property owner shall file an attestation indicating compliance with the requirements of West Windsor Township Code, Chapter 140, Article IV with the Health Department a minimum of thirty (30) days prior to submission of the application for a Certificate of Occupancy.
- C. An attestation form for use of property owners shall be created and maintained by the Health Department.

D. Property owners shall be responsible for enforcement of the Multiple Dwelling Smoking Policy established for the property.

E. The Multiple Dwelling Smoking Policy shall include the following:

1. Smoking prohibitions or allowances for all indoor areas of the multiple dwelling as not otherwise prohibited by the Smoke-Free Air Act, N.J.S.A. 26:3D-55 et. seq., including common areas and dwelling units; and
2. Smoking prohibitions or allowances for outdoor areas of the premises, including common courtyards, rooftops, balconies, patios, parking garages and any outdoor area connected to dwelling units; and
3. A provision which allows the use of medical cannabis in specified locations on the property by patients who have medical documentation from a healthcare provider that prescribes inhalation by smoking as the required method of delivery for the prescribed product; and
4. A designated point of contact who shall be responsible for implementation and distribution of the smoking policy to current and future residents, and
5. A complaint response plan to be used by property management to address smoking-related complaints.

F. The Multiple Dwelling Smoking Policy shall apply to all tenants, shareholders, and/or unit owners and their invitees as well as other persons on the premises.

G. The Multiple Dwelling Smoking Policy shall not be binding on a tenant renting or leasing a dwelling unit during the term of the lease, sublease, or other rental agreement in effect at the time of the adoption of such smoking policy, unless otherwise provided in such lease, sublease, or other rental agreement.

H. Notification Requirements.

1. Upon adoption of a Multiple Dwelling Smoking Policy, and annually thereafter, the owner of a multiple dwelling shall post within a prominent location on the premises and provide a written copy of the smoking policy to all tenants, shareholders, and owners.
2. The owner shall maintain a record of the physical location of policy postings and the dates postings were affixed or replaced.
3. The policy shall be incorporated into any agreements to purchase, rent or lease a dwelling unit in such a building.

I. Regulation of Smoking within a Condominium, Homeowners, or Cooperative Association.

1. The property's Multiple Dwelling Smoking Policy shall be incorporated into the bylaws, master deed, or other relevant governing document.

2. An owner or tenant who is renting or leasing a dwelling unit to a second party shall incorporate the property's Multiple Dwelling Smoking Policy into any agreement to rent or lease the dwelling unit to a sub-tenant or sub-lessee.

J. Material Changes of the Multiple Dwelling Smoking Policy.

The Owner of a multiple dwelling shall provide written notification to all tenants, shareholders and/or owners of any material change to the Multiple Dwelling Smoking Policy, and post, in a prominent location within such dwelling, any material change to the policy.

K. Document Retention.

The owner of a multiple dwelling shall make available for inspection written documentation of the following:

1. Records of notifications required by Section 140-17 H. and 140-17 J. of this code shall be maintained by the owner for a twelve (12) month period.
2. Records of all smoking related complaints filed by residents of the property during the previous three (3) years.

140-18 Enforcement.

- A. The provisions of this article shall be enforced by the Health Officer and/or their designees. Alternate municipal officials may be appointed as enforcement agents by the Business Administrator at his/her discretion.
- B. Whenever a violation of this article is identified in a multiple dwelling complex, a notice of violation, in writing, shall be given to the owner to abate the same within such time as shall be specified therein. A duplicate of the notice may be left with the property manager of the premises or sent both certified mail and regular first-class mail to the owner. If the owner cannot be notified speedily, notice to the owner of the violation and the time to abate shall be deemed complete three (3) days after the date on the violation notice, if served by regular first-class mail.
- C. Except for conditions addressed in 140-18 D, the enforcement officer shall specify in writing in a notice of violation to the property owner, the time period allotted for abatement prior to issuance of a municipal court summons. The time period shall be determined by the enforcement officer and shall be no less than seven (7) days and no longer than sixty (60) days from the date notification is provided.
- D. Failure to provide notification as required by section 140-17 H. 3 or 140-17 I.2 of West Windsor Code may be subject to issuance of immediate court summons for violations of this code.



- E. The failure of a property owner to enforce provisions of the adopted Multiple Dwelling Smoking Policy to the satisfaction of a complainant is not an enforceable violation of this ordinance.

140-19 Violation and penalties.

- A. Any person(s) who is found to be in violation of the provisions of this article shall, upon conviction, pay a fine of \$1,000 for the first violation, \$2,500 for the second violation, and \$5,000 for third and each subsequent violation.
- B. Separate violations. Every day in which a violation of any provision of this article exists shall constitute a separate violation.
- C. All court summons filed for violations of this article shall require a court appearance by the owner or the owner's designated representative.
- D. No fines shall be issued for violations cited during the first one hundred and eighty (180) days following adoption of this article.

Introduction: November 28, 2022

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

**ORDINANCE 2022-25**

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

**AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR  
AUTHORIZING ACQUISITION OF TEMPORARY CONSTRUCTION  
EASEMENT OVER CERTAIN REAL PROPERTY, KNOWN AS BLOCK  
6, LOT 48, AS REFERRED ON THE TAX MAP CONSISTING OF .448  
ACRES, WITHIN THE TOWNSHIP OF WEST WINDSOR  
FOR PUBLIC PURPOSES**

**WHEREAS**, beginning with efforts commenced in 2004, the Township of West Windsor (the “**Township**”) designated several areas generally located near the vicinity of the Princeton Junction Train Station as redevelopment areas pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*; and

**WHEREAS**, one of the goals of such redevelopment efforts was to ensure the completion of certain roadway improvements intended to alleviate traffic congestion by realigning existing roadways and/or creating new roadways; and

**WHEREAS**, in particular, on December 19, 2005, the Council of the Township of West Windsor (the “**Township Council**”) adopted Resolution 2005-R285 designating the area around the Princeton Junction Train Station (the “**Princeton Junction Redevelopment Area**”), including the properties designated as Block 6, Lots 8, 54, 55.01 and 76 (the “**AVB Property**”), as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6b (5); and

**WHEREAS**, over the ensuing years, the Township, with the assistance of its professionals, subcommittees and steering committees, examined the need for, and means by which traffic improvements should be made within the Princeton Junction Redevelopment Area; and

**WHEREAS**, on March 23, 2009, after such examination, the Township Council adopted an ordinance approving the original redevelopment plan for the Princeton Junction Redevelopment Area (the “**Princeton Junction Redevelopment Plan**”), which identified, as a principal goal, the reconstruction and extension of Vaughn Drive to Washington Road (County Road 571) and the corresponding realignment and reconstruction of Washington Road to benefit the general traveling public in the area (the “**Washington Road Improvements**”); and

**WHEREAS**, the Washington Road Improvements, once constructed, will result in the realignment and extension of Vaughn Drive (the “**Vaughn Drive Extension**”) as a Township-owned throughway that will provide another point of connection between Alexander Road (a Township-owned roadway) and Washington Road (a County roadway); and

**WHEREAS**, the Township’s Circulation Plan Element of its Master Plan has also long identified the Vaughn Drive Extension as a public roadway; and

**WHEREAS**, on June 11, 2018, after a previously unfulfilled redeveloper agreement with another redeveloper was terminated, the Township, Avalon Watch and AvalonBay Communities, Inc. (“**AVB**”) entered into a Settlement and Redeveloper’s Agreement (the “**Agreement**”) that, in relevant part, established the terms and conditions by which AVB would redevelop the AVB Property; and

**WHEREAS**, following the execution of the Agreement, a number of meetings between the Township, Mercer County and/or the New Jersey Department of Transportation (“**NJDOT**”), all of which have jurisdictional interests in the Washington Road Improvements, were conducted for the purposes of determining the final design and scope of those Improvements; and

**WHEREAS**, the final design for the Washington Road Improvements is the result of the direction of such public entities, as all roads to be constructed and/or realigned will be publicly owned and serve the benefit of the general, traveling public; and

**WHEREAS**, on October 13, 2021, the West Windsor Township Planning Board granted preliminary and final major site plan approval and preliminary and final major subdivision approval (the “**Planning Board Approval**”) for AVB’s proposed development of the Property (“**AVB Project**”); and

**WHEREAS**, the terms and conditions of the Planning Board Approval require AVB to construct the Washington Road Improvements as a component of the AVB Project, which will fulfill one of the primary goals of the Princeton Junction Redevelopment Plan; and

**WHEREAS**, upon the completion of the Washington Road Improvements: (i) the Vaughn Drive Extension (referred to in the Planning Board approval as “**Road A**”) will be dedicated to the Township, who will maintain such roadway as a public roadway; and (ii) Washington Road will be realigned with the incorporation of a roundabout to be constructed, which improvements will be maintained by the County of Mercer as a public roadway; and

**WHEREAS**, as a result of the construction of the Washington Road Improvements, Washington Road will be relocated from its current position and, as such, it is necessary to eliminate the current driveway that serves Block 6, Lot 48 (70 Washington Road) (the “**AI Property**”) and construct a new entrance and associated improvements (the “**Relocated AI Driveway**”) so as to provide the AI Property reasonable access to the roadway network via the to-be-constructed Vaughn Drive Extension; and

**WHEREAS**, pursuant to Section 30 of the Agreement, the Township agreed to use its powers of eminent domain, if necessary, to facilitate any off-tract improvements, including but not limited to roadway improvements; and

**WHEREAS**, in order to implement the Washington Road Improvements, it is necessary to acquire a temporary construction easement over an approximately .448-acre (19,494 square feet) portion of the AI Property, as more particularly described in **Exhibit A** hereto (such portion, the “**Easement Area**”), for the purpose of accessing the AI Property and constructing thereon the Relocated AI Driveway; and

**WHEREAS**, the Township Council has determined that said uses are public purposes and will promote the general health and welfare of the community; 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., 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.

**WHEREAS**, the Township will ensure that appropriate provisions for insurance, indemnification, and expense reimbursement by AVB are made prior to completing any condemnation action hereunder.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWNSHIP 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 a temporary construction easement over the approximately .448-acre (19,494 square feet) portion of the AI Property, more particularly described and depicted in **Exhibit A** attached hereto.

Section 3. That 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 owner, (ii) by a gift, grant, or contribution by the property owner, 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. That the Township Attorney and/or other special legal counsel, and the Township’s Land Use Manager, are hereby authorized and directed to perform 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 interest sought herein, the location and quality of the property and any environmental matters associated therewith, and to undertake any action necessary or appropriate to acquire such property interest, and that any such actions taken prior to the date hereof are hereby ratified.

Section 5. That the Mayor and Township Clerk and such other officers as may be necessary are hereby authorized to undertake any actions and execute and deliver any paper, form, instrument or document necessary or appropriate to acquire said property interest 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 28, 2022

PUBLIC HEARING: December 12, 2022

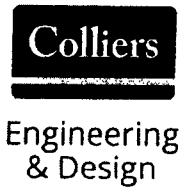
ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

**Exhibit A**  
**Description and Depiction of Property to be Acquired**

331 Newman Springs Road  
Suite 203  
Red Bank, New Jersey 07701  
Main: 877 627 3772



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

**TEMPORARY CONSTRUCTION EASEMENT**  
**PART OF BLOCK 6, LOT 48**  
**PROJECT NO. 16000081A**  
**OCTOBER 19, 2022**  
**PAGE 1 | 2**

All that certain lot, tract or parcel of land situate, lying and being in the Township of West Windsor, in the County of Mercer and the State of New Jersey, and being all of a variable width temporary construction easement, the same being a portion of Lot 48, Block 6, as shown on a map entitled "Temporary Construction Easement Exhibit for AI Property, Block 6, Lot 48, Township of West Windsor, Mercer County, New Jersey", prepared by Colliers Engineering & Design, dated October 20, 2022, and being more particularly bounded and described as follows:

**BEGINNING** at the intersection of the southeasterly line of Lot 48, Block 6 with the southwesterly right of way line of Washington Road (aka Mercer C.R. 571 & 526), (variable width right of way), and running; thence-

1. **S 48°53'06" W, 248.26 feet**, along the aforesaid southeasterly line of Lot 48, Block 6, to a point in the same; thence -

The following seven (7) courses running through a portion of the aforesaid Lot 48, Block 6:

2. **N 41°06'54" W, 17.12 feet**; thence -

3. **S 48°53'06" W, 22.36 feet**; thence -

4. **N 41°06'54" W, 67.73 feet**; thence -

5. **N 48°51'53" E, 100.95 feet**; thence -

6. **S 41°06'54" E, 15.24 feet**, to a point of curvature; thence -

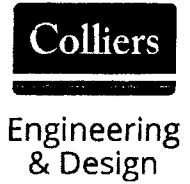
7. **SOUTHEASTWARDLY** along an arc having a radius of **3.00 feet** and curving to the left, an arc distance of **4.71 feet** (Central Angle of 90°00'00"), said arc being connected by a chord bearing of **S 86°06'54" E** and a chord distance of **4.24 feet**, to a point of tangency; thence -

8. **N 48°53'06" E, 166.67 feet**, to the aforesaid southwesterly right of way line of Washington Road; thence -

9. **S 41°06'54" E, 66.64 feet**, along the aforesaid southwesterly right of way line of Washington Road; to the Point and Place of **BEGINNING**.

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

**TEMPORARY CONSTRUCTION EASEMENT**  
PART OF BLOCK 6, LOT 48  
PROJECT NO. 16000081A  
OCTOBER 19, 2022  
PAGE 2 | 2



**CONTAINING:** 19,494 square feet or 0.448 acres of land, more or less.

**SUBJECT TO:** to all easements, restrictions, reservations, agreements, covenants and rights of way of record.

The foregoing description was prepared by the undersigned surveyor for the firm of Colliers Engineering & Design and is based on the aforementioned easement exhibit.



October 19, 2022

**Eric V. Wilde,**

Digitally signed by Eric Wilde  
Date: 2022.10.20 09:18:23-04'00'

**Date:**

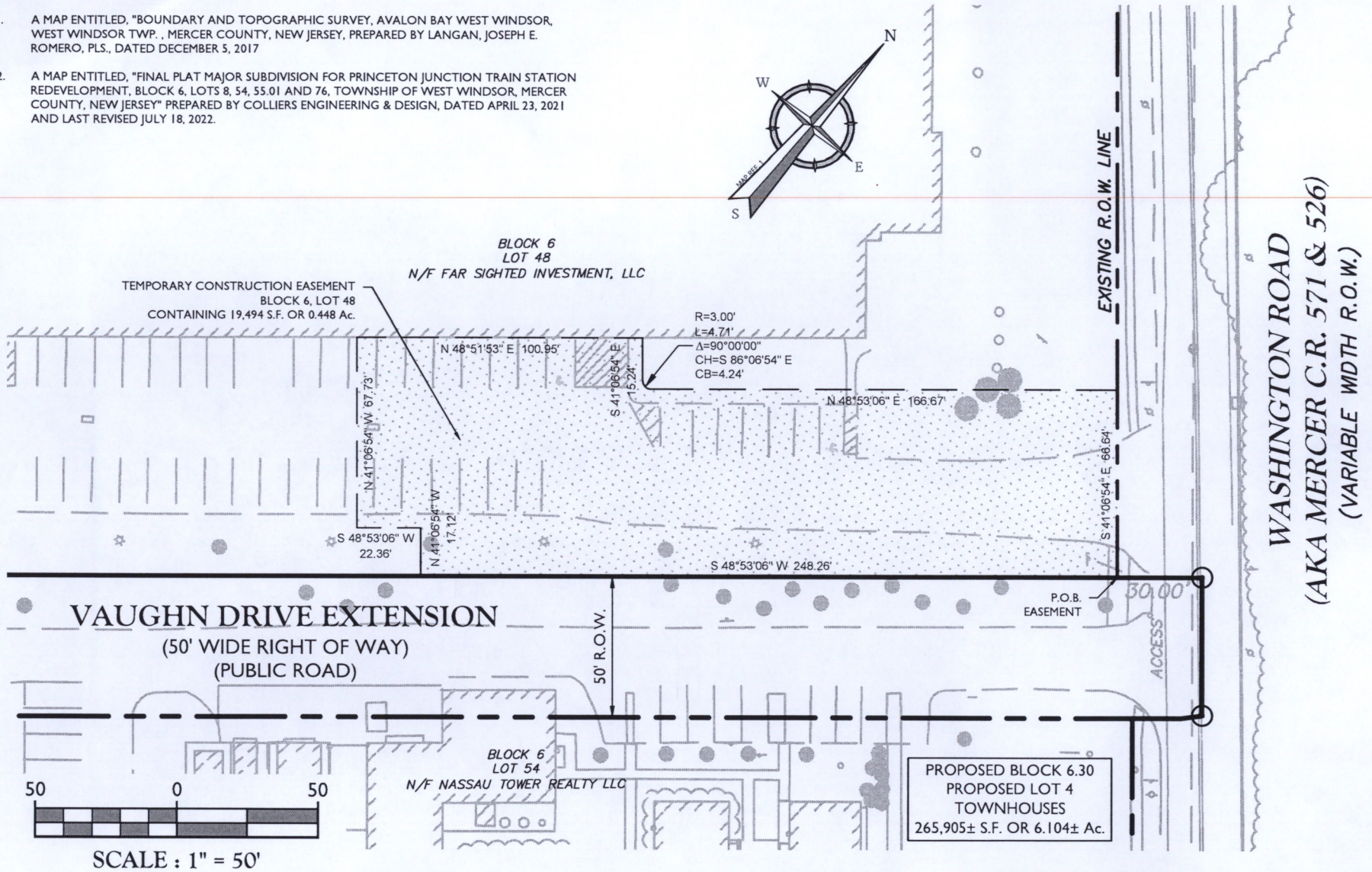
New Jersey Professional Land Surveyor

License Number GS43279

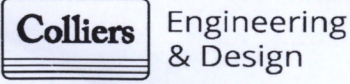


**MAP REFERENCES:**

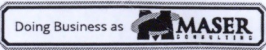
1. A MAP ENTITLED, "BOUNDARY AND TOPOGRAPHIC SURVEY, AVALON BAY WEST WINDSOR, WEST WINDSOR TWP. , MERCER COUNTY, NEW JERSEY, PREPARED BY LANGAN, JOSEPH E. ROMERO, PLS., DATED DECEMBER 5, 2017
2. A MAP ENTITLED, "FINAL PLAT MAJOR SUBDIVISION FOR PRINCETON JUNCTION TRAIN STATION REDEVELOPMENT, BLOCK 6, LOTS 8, 54, 55.01 AND 76, TOWNSHIP OF WEST WINDSOR, MERCER COUNTY, NEW JERSEY" PREPARED BY COLLIERS ENGINEERING & DESIGN, DATED APRIL 23, 2021 AND LAST REVISED JULY 18, 2022.



2016\16000081\ASurvey\Exhibits\V-EXBT-TEMP-CNST-ESMT-LT48.dwg\V-01-EXHIBIT By: HAPPLEGATE



www.colliersengineering.com



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REV	DATE	DRAWN BY	DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT FOR AI PROPERTY BLOCK 6, LOT 48

TOWNSHIP OF WEST WINDSOR  
MERCER COUNTY  
NEW JERSEY

**811** PROTECT YOURSELF  
ALL STATES REQUIRE NOTIFICATION OF EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN ANY STATE.  
Know what's below. Call before you dig.  
FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT: WWW.CALL811.COM

**Colliers** Engineering & Design  
RED BANK (Headquarters)  
331 Newnam Springs Road, Suite 203  
Red Bank, NJ 07701  
Phone: 732.383.1950  
COLLIERS ENGINEERING & DESIGN, INC. DOING BUSINESS AS MASER CONSULTING

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN:	10/20/22	HA	MRM
PROJECT NUMBER:	DRAWING NAME:		
16000081A	V-EXBT-TEMP-CNST-ESMT-LT48		
SHEET TITLE:			
EASEMENT EXHIBIT			
SHEET NUMBER:			
1 of 1			

RESOLUTION

WHEREAS, the Township Council's Reorganization meeting is scheduled for January 9, 2023 at which time the Township Council will designate the official holidays for Township employees for 2023; and

WHEREAS, the official holiday for New Year's Day falls on January 2, 2023.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Windsor that the following day is designated as an official holiday for Township employees:

<u>2023 Holidays</u>	<u>Date of Office Closing</u>
New Year's Day	January 2, 2023

Adopted: December 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12<sup>th</sup> day of December 2022.

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Gay M. Huber  
Township Clerk  
West Windsor Township

## RESOLUTION

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

WHEREAS, in conjunction with such application(s), the following applicant(s) 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(s) have been withdrawn and the costs thereof have been listed below; and

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

Date of Deposit	Project No.	Project Name	Total Escrow	Total Disb.	Balance of Escrow
4-Jun-19	PB 10-09 2nd Amended	Amit Mehta	\$3,062.52	(\$2,585.00)	\$477.52
3-Jun-15	PB 15-03	Korean Community Center Foundation	\$63,404.01	(\$63,314.41)	\$89.60
10-Aug-18	PB 18-08 SW	DDR Nassau Pavilion	\$5,934.25	(\$5,484.25)	\$450.00
18-Apr-19	ZB 19-04	Federal Realty Investment Trust	\$11,124.83	(\$10,246.58)	\$878.25
31-Mar-20	ZP 20-96	Princeton University - Solar Array	\$5,993.72	(\$5,900.46)	\$93.26
25-Mar-13	PB 13-09	Carnegie Center West PH. C- Prelim. "A" Concept	\$28,853.76	(\$27,353.76)	\$1,500.00
19-Nov-15	PB 15-08	Shalini Reddy	\$44,866.57	(\$44,776.57)	\$90.00
			\$163,239.66	(\$159,661.03)	\$3,578.63

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(s) the portion of the escrow deposits which the applicant(s) is entitled to be refunded as set forth above.

Adopted: December 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of December, 2022.

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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 architectural services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Spiezle Architectural Group, Inc. has submitted a proposal dated November 8, 2022 indicating they will provide professional architectural services in conjunction with flooring replacements within the Township Senior Center for \$10,220.00, which includes Four Hundred Dollars (\$400.00 dollars) for reimbursable costs; and

WHEREAS, the Township wishes to enter into a professional services agreement with Spiezle Architectural Group, Inc. for the aforesaid services; and

WHEREAS, a Certification of Funds has been received from the Chief Financial Officer and funds for said professional services agreement is available in the following line item appropriation account:

Senior Center - General Improvements 405-2020-14-019	\$10,220.00
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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 the Spiezle Architectural Group, Inc., for an amount not to exceed \$10,220.00, which includes Four Hundred Dollars (\$400.00 dollars) for reimbursable costs.
- (2) The Agreement so authorized shall require the Provider to provide professional architectural design services pursuant to its proposal dated November 8, 2022. 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 the Spiezle Architectural Group, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: December 12, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of December 2022.

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Gay M. Huber  
Township Clerk,  
West Windsor Township

RESOLUTION

- WHEREAS, West Windsor Township Police Division needs to purchase five (5) 2023 Ford Police Utility Interceptor vehicles and selected options; and
- 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 from 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, Charles S. Winner, Inc., dba Winner Ford, 250 Berlin Road, Cherry Hill, New Jersey is an authorized vendor under New Jersey State Contract #20-FLEET-01189; and
- WHEREAS, as of December 12, 2022 the Township’s total aggregate spending with Charles S. Winner, Inc., dba Winner under New Jersey State Contract #20-FLEET-00189 is as follows:

Resolution 2022-R198 Winner Ford \$93,270.00

- WHEREAS, the Chief Financial Officer has certified the availability of funds in the following accounts:

Police Vehicles	Capital	405-2022-08-026	\$ 65,400.00
	Operating	105-08-424	<u>\$113,003.00</u>
			\$178,403.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlana Schmid is hereby authorized to purchase five (5) 2023 Ford Police Utility Interceptor vehicles and selected options per the November 30, 2022 pricing sheet from Charles S. Winner, Inc., dba Winner Ford under New Jersey State approved Contract #20-FLEET-00189 in the amount of \$178,403.00 for a total not to exceed of \$271,391.00.

Adopted: December 12, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12<sup>th</sup> day of December, 2022.

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Gay M. Huber  
 Township Clerk  
 West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor Police Division needs to purchase equipment for five (5) police vehicles; and

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 from 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, Emergency Accessories and Installations (EAI), 770 Cuthbert Blvd., Cherry Hill, New Jersey is an authorized vendor under New Jersey State Contracts, 17-FLEET-00761, 17-FLEET-00719, and 17-FLEET-00768, and

WHEREAS, as of December 12, 2022 the Township's total aggregate spending with Emergency Accessories and Installations (EAI) under New Jersey State Contracts 17-FLEET-00761, 17-FLEET-00719, 17-FLEET-00768 is as follows:

Resolution 2022-R199	EAI	\$6,192.00
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WHEREAS, the Township needs to purchase emergency equipment for police vehicles under New Jersey State Contract 17-FLEET-00761, 17-FLEET-00719, 17-FLEET-00768 in the amount of \$110,373.70; and

WHEREAS, the Township needs to purchase emergency equipment for our police vehicles not under NJ State contract in the amount of \$16,648.70; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following accounts:

Acquisition of Equipment-Non-Vehicular	405 2022 08 027	\$45,000.00
Acquisition of Equipment-Vehicular	405 2022 08 026	\$65,373.70

NOW, THEREFORE, BE IT RESOLVED, by the West Windsor Township Council that the Business Administrator Marlena Schmid is authorized to purchase the above equipment from Emergency Accessories and Installations (ESI) under NJ State Contracts 17-FLEET-00761, 17-FLEET-00719, and 17-FLEET-00768 in the amount of \$110,373.70 for a total not to exceed of \$116,565.70.

Adopted: December 12, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12<sup>th</sup> day of December 2022.

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Gay M. Huber  
Township Clerk  
West Windsor Township

## RESOLUTION

- WHEREAS, the Township of West Windsor acquired title to the property located at 229 Village Road East and designated on the Township's tax assessment map as Block 33, Lots 2.01 and 3 by way of exercise of its power of eminent domain; and
- WHEREAS, the Township filed a verified complaint commencing a condemnation action in the Superior Court of New Jersey, Law Division, Mercer County under Docket No. MER-L-1115-18 on May 22, 2018; and
- WHEREAS, the Estate of Joseph W. Hall succeeded to the interest of the defendant Joseph W. Hall upon his death; and
- Whereas, a hearing was conducted before condemnation Commissioners appointed by the court who filed a report from which an appeal was taken; and
- WHEREAS, the Township and the Estate of Joseph W. Hall are the only parties to the appeal from the Commissions' award; and
- WHEREAS, the Township is obligated to pay and the Estate of Joseph W. Hall is entitled to receive just compensation for the taking of the property; and
- WHEREAS, the parties in interest have agreed to a settlement in the amount of 3,550,000.00 and as set forth in the proposed Consent Order for Final Judgment attached to this resolution; and
- WHEREAS, the Township of West Windsor has previously deposited the sum of \$1,575,000.00 with the Superior Court in this foregoing condemnation action on account of the award of just compensation leaving due the amount of \$1,975,000.00 which is payable within 90 days from the date of the adoption of this resolution.
- WHEREAS, Certification of Funds has been received from the Chief Financial Office and funds are available in the following account:
- |                                |        |                |
|--------------------------------|--------|----------------|
| Open Space Taxes – Acquisition | 121524 | \$1,975,000.00 |
|--------------------------------|--------|----------------|
- NOW, THEREFORE, BE IT RESOLVED, BY THE Township Council of the Township of West Windsor that John L. Curley, Esq. of Connell Foley, LLP as Special Counsel, is authorized to execute on behalf of the Township the attached proposed Consent Order for Final Judgment fixing the award of just compensation at \$3,550,000.00 (inclusive of interest) and resolving all claims except as specifically set forth therein.
- BE IT FURTHER RESOLVED, the Chief Financial Officer John V. Mauder is authorized to pay the balance of the judgement of \$1,975,000.00 to Defendants, Estate of Joseph W. Hall, c/o McKridy, R. Riskin, Olson & DellaPelle, P.C., 201 Littleton Road, Suite 135, Morris Plains, New Jersey 07950; and

BE IT FURTHER RESOLVED, the aforementioned and payment of this judgement and the issuance of Consent Order for Financial Judgement closes the case.

Adopted: December 12, 2022

I hereby certify this is a true copy of a resolution adopted by the West Windsor Township Council at their meeting held on the 12th day of December, 2022.

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Gay M. Huber  
Township Clerk  
West Windsor Township



RESOLUTION

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, and by resolution 2020-R192 on September 14, 2020 and by resolution 2020-R227 on November 9, 2020, and by resolution 2021-R206 on December 13, 2021 and by Resolution 2022-R133 as an expert in eminent domain and redevelopment law; and

WHEREAS, an increase in the amount of \$11,500.00 for the professional services agreement with John Curley, Esq., of Connell Foley, LLC for specialized legal services rendered to defend the Township (Docket No. MER-L-1115-118) is necessary; and

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

Open Space Land Acquisition:           \$11,500.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor the Chief Financial Officer is authorized to amend the purchase order for John J. Curley, LLC in the amount of \$11,500.00 for a total not to exceed of \$106,637.83.

ADOPTED: December 12, 2022

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 12<sup>th</sup> day of December, 2022

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, Toll Brothers, Inc. has made a request for a release of the performance guarantees posted for public and private site improvements in connection with construction associated with the townhouse area of the project known as Enclave at Princeton Junction (PB14-10TH); and

WHEREAS, the performance guarantees are currently at 30% of its original amount; and

WHEREAS, the West Windsor Township Consulting Engineer for the project, Van Cleef Engineering Associates, and the Township Landscape Architect have performed inspections and recommended that the performance guarantees for public and private site improvements be release in connection with construction associated with the townhouse area of the project known as Enclave at Princeton Junction (PB14-10TH), as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
Bond #1121882	\$1,724,374.80	1/31/17	\$517,312.00	FULL RELEASE
Cash	\$ 191,597.20	1/24/17	\$57,479.00	FULL RELEASE

WHEREAS, the Township Engineer has reviewed the reports from the Consulting Engineer and Landscape Architect and recommends 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 guarantees posted by Toll Brothers, Inc. for public and private site improvements in connection with construction associated with the townhouse area of the project known as Enclave at Princeton Junction (PB14-10TH), be released, as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
Bond #1121882	\$1,724,374.80	1/31/17	\$517,312.00	FULL RELEASE
Cash	\$ 191,597.20	1/24/17	\$57,479.00	FULL RELEASE

BE IT FURTHER RESOLVED, the release of the performance guarantee to Toll Brothers, Inc. is conditioned upon the posting of a maintenance guarantee in the amount of \$287,396.00 for a period of one-year from the date of release, and payment of any outstanding fees.

ADOPTED: December 12, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of December 2022.

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 Gay M. Huber  
 Township Clerk  
 West Windsor Township