

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

**AGENDA FOR THE REGULAR BUSINESS MEETING
OF THE COUNCIL OF WEST WINDSOR TOWNSHIP
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN
November 18, 2019**

7:00 P.M.

1. Call to Order
2. Statement of Adequate Notice - January 11, 2019 to The Times and the Princeton Packet.
3. Salute to the Flag
4. Roll Call
5. Ceremonial Matters and/or Topic for Priority Consideration

**2019 Communities of Light Day Proclamation Honoring
Womanspace - December 2, 2019**

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

2019-34 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER
148, "SOLID WASTE" ADDING ARTICLE IV SINGLE-
USE PLASTIC BAG REDUCTION OF THE CODE OF
WEST WINDSOR TOWNSHIP

2019-35 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 4, "ADMINISTRATION OF GOVERNMENT", ARTICLE VIII "DEPARTMENT OF PUBLIC SAFETY: SECTION 4-34 DIVISION OF FIRE AND EMERGENCY SERVICES" OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

11. Consent Agenda

A. Resolutions

2019-R238 Authorizing a Property Tax Refund for Community Options - 4 West Kincaid Drive

2019-R239 Authorizing the Cancellation of the First Half of Sewer Rent Billing for 2019 - 47 Hightstown Road

2019-R240 Authorizing PNC Bank as the Depository to Make Payments From the Funds on Deposit in the Municipal Court Regular Account and Bail Account According to the Checks Signed by Alyssa Manfredi, Court Administrator and/or Brian Leoutsacos, Deputy Court Administrator

2019-R241 Approving the Request for a Permit for the West Windsor Tree Lighting for a Public Fireworks Display on December 8, 2019 (Rain date December 15, 2019) at The Ron Rogers Arboretum

B. Minutes

Closed Session #1 - September 30, 2019 - as amended
Closed Session #2 - September 30, 2019 - as amended
Business Session - September 30, 2019 - as amended
Business Session - October 15, 2019 - as amended
Business Session - October 28, 2019 - as amended
Closed Session - October 28, 2019 - as amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

- 2019-R242 Authorizing the Budget Transfer to Provide for the Transfer of Funds within the 2019 Municipal Budget
- 2019-R243 Authorizing the Mayor and Clerk to Execute Amendment No. 1 for an increase of \$7,288.00 to the Professional Services Agreement for Van Cleef Engineering Associates for Supplemental Work for the Project Known as North Post Road and Village Road West Intersection Improvements - Total Not to Exceed of \$27,201.13
- 2019-R244 Authorizing the Chief Financial Officer to Increase the Contract with GeoTrek Environmental and Surveying, LLC by \$4,500.00 for a Total Not to Exceed of \$20,950.00
- 2019-R245 Authorizing the Chief Financial Officer to Increase the Contract with Van Cleef Engineering Associates for Miscellaneous Engineering Services by \$2,700.00 for a Total Not to Exceed of \$12,700.00
- 2019-R246 Authorizing the Mayor and Clerk to Execute a Professional Service Agreement with Suburban Consulting Engineers, Inc. to Provide Professional Services for the 2020 Conover Fields Improvement Project - \$81,980.00
- 2019-R247 Authorizing the Chief Financial Officer to Increase the Professional Services Agreement with Miller, Porter & Muller, P.C. for Legal Services through December 31, 2019 - \$25,000.00
- 2019-R248 Authorizing the Mayor and Clerk to Execute the Mercer County Governmental Public Health Partnership Memorandum Agreement for the Provision of Mutual Aid Public Health Services

- 2019-R249 Authorizing the Approval of MarketFair Holdings II, LLC for the Newly Created Plenary Retail Consumption License
- 2019-R250 Calling Upon the Legislature to Form a Commission to Review and Examine the Effects of OPRA on Local Government
- 2019-R251 Calling Upon the State Senate and Assembly to Set Standards for Remediation of Mold in Residential Buildings
- 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

ORDINANCE 2019-34

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 148 SOLID WASTE
ADDING ARTICLE IV SINGLE-USE PLASTIC BAG REDUCTION OF THE CODE OF
WEST WINDSOR TOWNSHIP**

WHEREAS, the Township Council of West Windsor recognizes the need to include a new section entitled “SINGLE-USE PLASTIC BAG REDUCTION”; and

WHEREAS, on average, one person uses 500 single-use plastic disposable bags per year, **4.4 billion** single-use shopping bags are used annually in New Jersey; and

WHEREAS, twelve million barrels of oil are used annually to make the plastic bags that Americans use; and

WHEREAS, micro plastic pollution in oceans can accumulate toxic chemicals, harms marine life, and can be consumed by humans through ingestion of seafood; and

NOW, THEREFORE BE IT RESOLVED that the Township Council of West Windsor desires to reduce the number of disposable carryout bags that are being used, discarded, and littered, to promote the use of reusable carryout bags by retail establishments located within the Township and in order to curb litter on streets, protect our marine environment and waterways, and reduce greenhouse gas emissions and solid waste.

Section 1

ARTICLE IV

148-25 DEFINITIONS

Food Service Establishment: Any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery.

Goods and Products: Things and items that are prepared and made to be sold, including, but not limited to, clothing, groceries, prepared food, foodstuffs, meat, dairy, beverages, merchandise, books, jewelry, alcohol, tobacco products, toys, and any and all other things and items sold at retail by businesses and stores.

Produce Bag: Any bag without handles that is used exclusively to segregate produce, meats, other food items, and merchandise in order to carry the products inside the store to the point of sale or in order to prevent such items from coming into direct contact with other purchased items, in situations where such contact could damage or contaminate other food or merchandise when the items are placed together in a reusable or recycled bag.

Retail: The sale of goods and products for use and/or consumption.

Retail Establishment or Retail Store: For the purpose of this section, retail establishment shall mean any commercial establishment whether or not operated for profit, including, but not limited to, mercantile establishment or store that engages in the sale of goods and products. The definition includes, but is not limited to, pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, dry cleaners, food marts, food service establishments, seasonal and temporary businesses, home based businesses, indoor and outdoor markets, and street fairs, which utilize plastic carry-out bags for the conveyance of merchandise.

Reusable Bag: A reusable bag is a durable carryout bag that is at least 10 mils thick, has stitched handles for reinforcement made from any natural or synthetic material other than plastic film including, but not limited to, woven or nonwoven plastic or cloth, is specifically designed and manufactured for multiple reuse, and that is machine-washable or is made from a material that can be cleaned or disinfected regularly.

A retail establishment or store may rely on a manufacturer's, vendors, or distributor's representations regarding bag characteristics.

The term "single use plastic carry-out bag" means any bag made predominantly of petroleum-derived plastic that is provided by an operator of a retail establishment or store to a customer at the point of sale. The term does not include reusable bags, produce bags or product bags (as defined above). This definition specifically exempts the following from the category of "Single Use Plastic Carry-out Bag":

- (a) Bags provided by operators and used by consumers inside retail establishments or stores to:
 1. Package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items.
 2. Contain or wrap frozen foods, meat, or fish, whether packaged or not.
 3. Contain or wrap flowers, potted plants, or other items where dampness may be a factor.
 4. Contain unwrapped prepared foods or bakery goods
 5. Contain prescription drugs
 6. Newspaper bags, door-hangers bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags; bags provided at Community Farmer's Market

148-26 REGULATION OF SINGLE-USE PLASTIC CARRYOUT BAGS

No retail establishment or store shall provide to any customer a single use plastic carry-out bag provided for the purpose of transporting products or goods out of the business or store at the check-out stand, cash register, point of sale, or other point of departure, except as otherwise provided in this Chapter.

These prohibitions apply to single use plastic carry-out bags used for take-out and/or deliveries from retail establishments or stores with West Windsor Township. The point of sale in such transactions is deemed to be at the retail establishment or store, regardless of where payment for the transaction physically occurs.

148-27 ALLOWING RECYCLABLE PAPER CARRY-OUT BAGS/FEES

All retail establishments or stores, may make available to customers, for a fee, recyclable paper carry-out bags for the purpose of carrying goods or other materials away from the point of sale, subject to the provisions of this chapter. The fee charged shall be reflected in the sales receipt.

Nothing in this chapter prohibits customers from using bags of any type that they choose to bring to retail establishments or stores themselves, in lieu of using bags available for a fee from the retail establishment or store, or from carrying away purchased goods that are not placed in a bag.

148-28 FEES FOR PROVIDING RECYCLABLE PAPER CARRY-OUT BAGS

All retail establishments or stores may make recyclable paper carry-out bags available to customers upon request for a fee of at least \$0.10 per bag if customers choose not to bring their own reusable bags. Any fee incurred shall be stated on the receipt provided to the customer at the time of sale and shall be identified as the “Checkout Bag Charge” or use a phrase of similar identifying language. Small recyclable paper bags without handles and measuring 8 inches by 16 inches or less are exempt from any fee.

All monies collected by retail establishment or stores under this chapter shall be retained by the store.

148-2[8]9 USE OF REUSABLE BAGS ENCOURAGED

A retail establishment or store may choose, in its discretion, to provide a credit to customers that choose to bring their own bags.

Each retail establishment or store is strongly encouraged to educate its staff to promote the use of reusable bags, and to post signs encouraging customers to bring their own reusable bags.

Each retail establishment or store that provides takeout or delivery services is encouraged to provide customers with a choice to avoid use of single-use plastic bags.

148-[29] 30 EXEMPT CUSTOMERS

All retail establishments or stores must provide at the point of sale, free of charge, compliant bags of the retail establishment or store operator's choice, to any customer who participates in or is the beneficiary of any United States government federal welfare programs, or any local or Mercer County welfare assistance program, or any New Jersey State welfare program, including but not limited to the New Jersey Supplemental Nutritional Assistance Program (SNAP) or the New Jersey State Supplemental Security Income Program (SSI).

148-3[0]1 TEMPORARY EXEMPT ESTABLISHMENTS

The Mayor or Township Council, or their designee may approve a written request for a temporary exemption from the requirements of this Ordinance by any operator of a retail establishment or store, with or without conditions, due to demonstrated hardship in implementing this ordinance in the time set forth.

1. Exemption decisions are effective upon approval and are final, and they are not appealable except otherwise provided by law.
2. West Windsor Township establish a fee for exemption requests of \$50.00.
3. Temporary exemptions may be granted for a period of 6 months

148-3[1]2 [COMPLIANCE ASSISTANCE] ENFORCEMENT

Each retail establishment or store violating any of the provisions of this section shall, upon conviction thereof, be liable for a penalty as provided by law.

1. The Property Maintenance Official or his/her designee has the responsibility for enforcement of this chapter and may promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and issue fines.
2. Any retail establishment or store that violates or fails to comply with any of the requirements of this chapter after an initial written warning notice has been issued for that violation shall be liable for an infraction.
3. If a retail establishment or store has subsequent violations of this chapter after the issuance of a violation, the following penalties will be imposed and shall be payable by the operator of the retail establishment or store:
 - (a) A fine not exceeding \$50.00 for the first violation after the written warning notice is given.
 - (b) A fine not exceeding \$100.00 for the second violation after the written warning notice is given.
 - (c) A fine not exceeding \$200 for the third and any subsequent violations after the written warning notice is given.

[148-33 NO CONFLICT WITH FEDERAL, OR STATE LAW

Nothing in this ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.] This section is being completely removed at the 10/15/19.

148-33 REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

148-34 SEVERABILITY

The provisions of this ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 2: All other parts, portions and provisions of Township Code of West Windsor, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

[Section 3: The terms of this ordinance are hereby declared to be severable, should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provisions thereof.] This section was removed at the 10/28/19.

Section 4: With regard to Food Service Establishments, this ordinance shall take effect on November 2, 2020. With regard to all other Retail Establishments as defined in this ordinance the effective date will be [May 1] November 2, 2020 after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

INTRODUCTION: October 16, 2019 as amended

PUBLIC HEARING: October 28, 2019

RE-INTRODUCTION: October 28, 2019 as amended

ADOPTION:

MAYOR'S APPROVAL:

EFFECTIVE DATE

Recommended rewording for Section 4:

This ordinance shall take effect on November 2, 2020 for both Food Service Establishments and Retail Establishments as defined in this ordinance and after the action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

ORDINANCE 2019-35

TOWNSHIP OF WEST WINDSOR, MERCER COUNTY, NEW JERSEY

AN ORDINANCE AMENDING CHAPTER 4 “ADMINISTRATION OF GOVERNMENT”,
ARTICLE VIII “DEPARTMENT OF PUBLIC SAFETY: SECTION 4-34 DIVISION OF FIRE
AND EMERGENCY SERVICES”

WHEREAS, the Mayor and Council of the Township of West Windsor wish to adopt amended regulations for the conduct of emergency services; and

WHEREAS, the structure of the Division of Fire and Emergency Services needs to be changed in accordance with the approved labor contract with the West Windsor Professional Firefighters Association Local 3610.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that the following amendment be made to the Code Book:

§ 4-34 Division of Fire and Emergency Services.

A.

There shall be a Division of Fire and Emergency Services headed by a Fire and Emergency Services Manager. In addition to the Manager of Fire and Emergency Services, the Division shall consist of fire **[lieutenants]** **Captains** and firefighters, per-diem members as well as volunteer emergency medical technicians. The Manager of Fire and Emergency Services shall be appointed by the Director of Public Safety. The Division of Fire and Emergency Services is established to provide assistance to the Volunteer Fire Division in the control and extinguishment of fires and to provide Fire Code enforcement as well as other assigned duties.

B.

Command and authority.

(1)

The Division of Fire and Emergency Services shall have supervisory authority over all paid and volunteer personnel and the operation of the Volunteer Emergency Medical Services Unit and its respective officers, but no supervision over the volunteer fire companies.

(2)

The Division of Fire and Emergency Services shall have operational command authority of patient care at all EMS incidents.

(3)

The Division of Fire and Emergency Services shall assist the Volunteer Fire Division to administratively manage all matters of municipal finance, municipal purchases and municipal personnel for the volunteer organizations, in conjunction with the Township Business Administrator and/or Chief Financial Officer.

(4)

The Division of Fire and Emergency Services shall have no authority over any funds provided to the volunteer fire companies.

(5)

The Division of Fire and Emergency Services will, in concert with the volunteer fire companies, develop job descriptions and procedures for any municipal personnel hired to perform duties related to the Fire and Emergency Services Division and Volunteer Fire Division.

INTRODUCTION: October 28, 2019

PUBLIC HEARING:

ADOPTION:

MAYOR'S APPROVAL:

EFFECTIVE DATE

RESOLUTION

WHEREAS, the Tax Collector, Kelly A. Montecinos, has certified the following taxpayer overpaid their taxes; and

WHEREAS, the Tax Collector is requesting that the overpaid taxes 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: Community Options 16 Farber Road Princeton, NJ 08540	\$6,715.35

ASSESSED OWNER: Community Options

PROPERTY LOCATION: 4 W Kincaid Drive

BLOCK: 20.07 LOT: 41

Total	\$6,715.35
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Adopted: November 18th, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Tax Collector of the Township of West Windsor has certified that the following property, 47 Hightstown Road in West Windsor, was demolished on December 6th, 2018; and

WHEREAS, the owners have not used any additional sewer services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Tax Collector be authorized to cancel the first half of 2019 sewer rent billing on the following property:

PROPERTY ADDRESS	AMOUNT
47 Hightstown Road	\$248.00

Adopted: November 18th, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor currently maintains accounts of the Municipality with its local depository, PNC Bank; and

WHEREAS, said depository, PNC Bank, maintains two accounts for West Windsor Township Municipal Court, a General Account and a Bail Account.

WHEREAS, said depository, PNC Bank, may receive to the credit of West Windsor Township checks, drafts, notes, acceptances, or other evidences of indebtedness (whether belonging to this Township or otherwise) which may be in, or hereafter come into, its possession.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that PNC Bank, be and hereby is authorized to make payment from the funds on deposit in the Municipal Court Regular Account and Bail Account with it upon and according to the checks of the Township signed by: Alyssa Manfredi, Court Administrator and/or Brian Leoutsacos, Deputy Court Administrator.

Adopted: November 18th, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

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 8, 2019 with a rain date of December 15, 2019; and

WHEREAS, said fireworks display shall be conducted by Garden State Fireworks, Inc., a U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms licensed Importer of Fireworks, license number 8-NJ-027-10-1D-00096; 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 pm and conclude no later than 10:00 pm, and

WHEREAS, the minimum insurance coverage required by N.J.A.C. 5:70, F-3301.2.4.2 is \$500,000 and Garden State Fireworks, Inc. carries \$5,000,000 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 18, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

2019-R242

TRANSFER RESOLUTION 2019 APPROPRIATIONS

WHEREAS, N.J.S.A. 40 A:4-58 provides for appropriation transfers during the last two months of any fiscal year: and

WHEREAS, it has been determined that an appropriation requires additional funding to fulfill the purpose of said appropriation:

NOW, THEREFORE BE IT RESOLVED by the Township Council of West Windsor that the following transfers be made within the 2019 Swimming Pool Utility Budget for the Township of West Windsor.

TRANSFER FROM <u>ACCOUNT NAME & NUMBER</u>	<u>AMOUNT</u>	TRANSFER TO <u>ACCOUNT NAME &</u> <u>NUMBER</u>
Swimming Pool Utility S&W 265-01-101	\$ 22,000.00	Swimming Pool Utility O & E 265-01-215
TOTAL	\$ 22,000.00	

Adopted: November 18, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor required professional construction administration and observation services for the North Post Road and Village Road West Intersection Improvements; and

WHEREAS, Van Cleef Engineering Associates was awarded the contract on October 15, 2018, for the total contract amount of Nineteen Thousand Nine Hundred Thirteen Dollars and Thirteen cents (\$19,913.13); and

WHEREAS, there is a need for additional supplementary work as outlined in their October 30, 2019 letter; and

WHEREAS, the amount of additional services is Seven Thousand Two Hundred Eighty Eight Dollars (\$7,288.00) for a total revised contract amount of Twenty Seven Thousand Two Hundred One Dollars and Thirteen cents (\$27,201.13); and

WHEREAS, the Chief Financial Officer has certified that funds are available for said contract in the following line item appropriation accounts:

<u>Annual Residential Road Improvement Program</u>	<u>405 2015 06 007</u>	<u>\$7,288.00</u>
Account Title	Account Number	Amount

WHEREAS, said Amendment #1 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 #1 to the Agreement for professional services with Van Cleef Engineering Associates.
- (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 Van Cleef Engineering Associates, dated October 15, 2018 remain in full force and effect.
- (4) An Executed copy of the revised Agreement between the Township and Van Cleef Engineering Associates and a copy of this Resolution shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: November 18th, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor enter into a services agreement with GeoTrek Environmental and Surveying, LLC for professional services on a consultant basis for Professional Land Surveyor Services performed for miscellaneous engineering projects as assigned; and

WHEREAS, A Certification of Funds for the original contract were received from the Chief Financial Officer and funds for said contract were available in the following line item appropriation account:

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$ 16,450.00</u>
Account Title	Account Number	Amount to date

WHEREAS, the scope of work authorized in the original contract remains in force and effect; and

WHEREAS, there is a need for a contract increase for services in accordance with the original contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said contract in the following line item appropriation accounts:

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$4,500.00</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is hereby authorized to increase the contract amount to date of \$16,450.00 with GeoTrek Environmental and Surveying, LLC to a revised contract amount of \$20,950.00.

Adopted: November 18th, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor entered into a professional services agreement with Van Cleef Engineering Associates on January 22, 2019 (Resolution 2019-R030) for professional engineering services on a consultant basis for inspection and certification of construction performed by developers, conformance reviews, and miscellaneous engineering projects as assigned; and

WHEREAS, the Township authorized and increase to the professional services agreement with Van Cleef Engineering Associates on June 24, 2019 (Resolution 2019-R138) for engineering projects as assigned; and

WHEREAS, Certifications of Funds were received from the Chief Financial Officer and funds for said contract were available in the following line item appropriation account:

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$ 10,000.00</u>
Account Title	Account Number	Amount to date

WHEREAS, the scope of work authorized in the original contract remains in force and effect; and

WHEREAS, there is a need for a contract increase for services in accordance with the original contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said contract in the following line item appropriation accounts:

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$2,700.00</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is hereby authorized to increase the contract amount to date of \$10,000.00 with Van Cleef Engineering Associates to a revised contract amount of \$12,700.00.

Adopted: November 18th, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

WHEREAS, Suburban Consulting Engineers, Inc. has submitted a proposal dated October 21, 2019 indicating they will provide professional surveying, landscape architecture, and engineering design services for the 2020 Conover Fields Improvements Project for Eighty-One Thousand, Nine Hundred, and Eighty Dollars (\$81,980.00); and

WHEREAS, Suburban Consulting Engineers have indicated a performance period for the professional services of ninety (90) days from the date of project initiation; and

WHEREAS, the Township wishes to enter into an agreement with Suburban Consulting Engineers, Inc. for the aforesaid services; and

WHEREAS, the total amount of the contract is Eighty-One Thousand, Nine Hundred, and Eighty Dollars (\$81,980.00); 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 accounts:

Municipal Park Improvements	405-2008-11 013	\$ 81,980.00
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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 Suburban Consulting Engineers, Inc., with a performance period of ninety (90) days from the date of project initiation for professional surveying and engineering design services, for an amount not to exceed Eighty-One Thousand, Nine Hundred, and Eighty Dollars (\$81,980.00).
- (2) The Agreement so authorized shall require the Provider to provide professional surveying and engineering design services pursuant to its proposal dated October 21, 2019. 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 Suburban Consulting Engineers, Inc., and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: November 18, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township is in need of counsel to handle land use litigation brought by or against it and Township Council and Township officials and employees; and

WHEREAS, it is in the best interest of the Township to increase the current Professional Services Agreement with Miller, Porter & Muller; and

WHEREAS, the scope of work authorized in the original agreement remains in force and effect; and

WHEREAS, there is a need for an increase for additional services in accordance with the original contract; and

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

Legal – Litigation Account 105-46-228 \$25,000.00

NOW, THEREFORE, BE IT RESOLVED by the West Windsor Township Council that the Chief Financial Officer is hereby authorized to increase the agreement amount by \$25,000.00.

Adopted: November 18th, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION OF MEMORANDUM OF
AGREEMENT BETWEEN WEST WINDSOR TOWNSHIP HEALTH DEPARTMENT AND
OTHER LOCAL HEALTH DEPARTMENTS AND MERCER COUNTY DIVISION OF
PUBLIC HEALTH FOR THE PROVISION OF PUBLIC HEALTH MUTUAL AID

WHEREAS, West Windsor Township Health Department is a duly constituted local health department and is responsible for ensuring the provision of public health services to the community as prescribed by the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey; and

WHEREAS, West Windsor Township recognizes that local health agencies serving Mercer County are challenged from time to time in ensuring the 24 hour, 7 days a week, 365 days a year provision of certain services which necessitate a timely response or specialized expertise; and

WHEREAS, West Windsor Township desires to provide and receive public health services in partnership and cooperation with local and county public health agencies servicing Mercer County and recognizes that a Memorandum of Agreement has been drafted effectuating the intent of the parties.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Clerk are hereby authorized to execute the Mercer County Governmental Public Health Partnership Memorandum of Agreement for the provision of mutual aid for public health services.

Adopted: November 18th, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, on July 8th, 2019, by Resolution 2019-R142, the West Windsor Township Council did authorize the creation and sale by bid of one new plenary retail consumption license; and

WHEREAS, on August 19th, 2019 two bids were received and on September 4th, 2019 the bid from MarketFair Holdings II, LLC was opened with a bid amount of \$900,000.00 and the bid from NB License I, LLC was opened with a bid amount of \$805,999.00; and

WHEREAS, on September 16th, 2019, by Resolution 2019-R201, the Township Council confirmed that MarketFair Holdings II, LLC was determined to be the pre-qualified bidder; and

WHEREAS, MarketFair Holdings II LLC has paid the Township of West Windsor the total bid amount of \$900,000.00 in accordance with the law; and

WHEREAS in accordance with N.J.A.C. 13:2-7.4, the applicant has provided to the Township Clerk's Office the proof of publication of the required "notice of application" (The Times of Trenton on October 14th and 21st, 2019); and

WHEREAS, no objections to the application were received; and

WHEREAS, all licensing fees have been paid to the Township and the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the West Windsor Police Division has reviewed the application and the various documents received; and

WHEREAS, pursuant to N.J.A.C. 13:2-7.7, the Township Council makes the following findings and certifies that:

1. The submitted application form is complete in all respects;
2. The applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey statutes, regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33;
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of West Windsor Township that the application of MarketFair Holdings II, LLC for the newly created Plenary Retail Consumption license be and hereby is approved.

Adopted: November 18, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the West Windsor Township strongly believes in and supports open transparent government, and the citizens and residents have the right to be informed about the working government in order to best participate in a democracy; and
- WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and
- WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and
- WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and
- WHEREAS, West Windsor Township has labored under a well- intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and
- WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and
- WHEREAS, West Windsor Township received and responded to 300 OPRA requests in 2017, 396 OPRA requests in 2018, and to date has receive and responded to 429 OPRA requests as of September 30, 2019; and
- WHEREAS, West Windsor Township municipal staff spent approximately 15-20 hours per week responding to OPRA requests received in 2019 to date, and a yearly average of approximately 800 hours since 2017; and
- WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, West Windsor Township must often times rely on the municipal attorney to review certain OPRA requests, resulting in attorney fees of approximately \$2,500.00 per year; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and the ever increasing cost to taxpayers; and

NOW THEREFORE BE IT RESOLVED that the Township Council of West Windsor Township appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolutions be forwarded to Verlina Reynolds-Jackson, Anthony Verrelli, Shirley K. Turner, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Associations of New Jersey and New Jersey State League of Municipalities.

Adopted: November 18th, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, mold in buildings is a serious health hazard; and

WHEREAS, when mold is found in non-residential buildings, there are State standards that require the owner to clean up the mold until it meets those standards; and

WHEREAS, there are no similar standards for residential buildings; and

WHEREAS, local Health Departments cannot require that landlords meet standards of mold remediation before renting apartments or allowing tenants back into apartments.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that we call on our Senators and Assembly Members to protect the health of their constituents by developing standards of mold remediation that would have to be met and certified by the local Health Department before an apartment is considered habitable; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to West Windsor Township's representatives in Trenton, Senator Shirley Turner, Assemblywoman Verlina Reynolds-Jackson, and Assemblyman Anthony Verelli.

Adopted: November 18th, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 18th day of November, 2019.

Gay M. Huber
Township Clerk
West Windsor Township