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

September 30, 2019

6:30 P.M.

The Business Session will begin promptly after the close of the adequately noticed Closed Session

- 1. Call to Order
- 2. Statement of Adequate Notice January 11, 2019 to The Times and the Princeton Packet.
- 3. Salute to the Flag
- 4. Roll Call
- 5. Ceremonial Matters and/or Topic for Priority Consideration
- 6. Public Comment: (30 minutes comment period; 3-minute limit per person)
- 6. Administration Comments
- 7. Council Member Comments
- 8. Chair/Clerk Comments
- 9. Public Hearings
- AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 148,
 ARTICLE II "REFUSE COLLECTION", SECTION 148-8
 "DUMPSTERS ON PUBLIC PROPERTY" OF THE CODE OF THE
 TOWNSHIP OF WEST WINDSOR

10. Consent Agenda

A. Resolutions

- 2019-R203 Authorizing the Request by Gary H.
 Weiss for a 100% Disabled Veteran
 Exemption and Allowing the Tax
 Collection to Refund the Amount of
 \$262.20 and to Cancel All Subsequent
 Taxes per State Statute 54:4-3:30
- 2019-R204 Authorizing the Amendment to the
 Personnel & Procedures Manual to
 Include the Model Information
 Technology Practice Policy as Required
 by the MIDJIF and Municipal Excess
 Liability Joint Insurance Fund
- B. Minutes
- C. Bills & Claims
- 11. Items Removed from Consent Agenda
- 12. Recommendations from Administration and Council/Clerk
 - 2019-R205 Authorizing the Transfer of Ownership for Retired K-9 Officer "Cherno" to Officer Douglas Montgomery
 - 2019-R206 Approving a Minor Amendment to the American Federation of State, County, and Municipal Employees (AFSCME) Local 3242 Contract
 - 2019-R207 Authorizing the Refund of the Municipal Portion of Property Taxes Billed for 2019 to PSE&G via a Credit in the 4th Quarter of 2019 \$6,185.81
 - 2019-R208 Authorizing the Extension of the Contract with Aquatic Service, Inc. for the Closing, Opening, Painting and Seasonal Maintenance of the West Windsor Aquatic Complex for the Period Fall 2019 through Labor Day 2020 \$45,702.30

- 2019-R209 Authorizing the Reimbursement to Avalon Watch Communities, Inc., The Mews at Princeton Junction, and Windsor Woods Luxury Apartments for Solid Waste Collection for 2018 \$249,675.81
- 2019-R210 Authorizing the Reimbursement of Various Condominium and Homeowner Associations for 2018 Trash and Recycling Collection and Disposal and Snow Removal Costs for 2018
- 2019-R211 Authorizing the Business Administrator to Purchase one 2020 Ford Escape 4 WD SUV From Beyer Ford Through the Education Services Commission of NJESC Co-Op for the Code Enforcement Division \$24,366.31
- 2019-R212 Authorizing the Business Administrator to Purchase Two (2) Power Lift Stretchers from Stryker EMS Equipment Through the Bergen County Co-op \$107,762.20
- 2019-R213 Authorizing the Mayor and Clerk to Execute a Contract with Sunset Creations, Inc. for EAB Management Street Tree Replacement Year 3-4 Base Bid Plus Alternate Bid #1 \$162,025.00
- 2019-R214 Authorizing the Mayor and Clerk to Execute Amendment No. 2 to the Professional Services Agreement for Van Cleef Engineering Associates for Supplemental Work for the D&R Canal Sewer Interceptor \$50,380.00
- 2019-R215 Authorizing the Chief Financial Officer to Increase the Professional Services Agreement with Van Cleef Engineering Associates for Miscellaneous Engineering Services by \$3,500.00 for a Total Not to Exceed \$10,000.00
- 2019-R216 Authorizing the Chief Financial Officer to Increase the Professional Services Agreement with GeoTrek Environmental and Surveying, LLC for Supplemental Engineering Services by \$11,450.00 for a Total Not to Exceed \$16,450.00

- 2019-R217 Authorizing the Person to Person Transfer of Liquor License #1113-33-009-003 from C. A. Mauer Corporation t/a Big Fish Seafood Bistro to MarketFair Holdings, II LLC
- 2019-R218 Authorizing the Mayor and Clerk to Execute the Collective Bargaining Agreement with West Windsor Police Benevolent Association (PBA) Local 271 for the Period of January 1, 2019 through December 31, 2022
- 2019-R219 Authorizing the Mayor and Clerk to Execute the Collective Bargaining Agreement with the West Windsor Township Police Superior Officers Association (SOA) for the Period of January 1, 2019 through December 31, 2022
- 2019-R220 Calling Upon the Senators and Assembly
 Representatives to Persuade Their Colleagues
 to Take Action to Protect All Americans from
 Mass Shootings
- 13. Introduction of Ordinances
 - 2019-28 CAPITAL ORDINANCE PROVIDING FOR THE
 ACQUISITION OF REAL PROPERTY KNOWN AS THE
 APPLEGATE PARCEL #62, BLOCK 10, LOT 16,
 CONSISTING OF APPROXIMATELY 8.8 ACRES
 LOCATED AT 163 CLARKSVILLE ROAD AND OTHER
 RELATED EXPENSES IN THE TOWNSHIP OF WEST
 WINDSOR, COUNTY OF MERCER, STATE OF NEW
 JERSEY APPROPRIATING THE AMOUNT OF \$275,000

Public Hearing: October 15, 2019

2019-29 ORDINANCE AUTHORIZING THE ACQUISTION OF
CERTAIN REAL PROPERTY KNOWN AS BLOCK 10, LOT
16 AS REFERENCED ON THE WEST WINDSOR
TOWNSHIP TAX MAP AND CONSISTING OF
APPROXIMATELY 8.8 ACRES LOCATED AT 163
CLARKSVILLE ROAD AND EXECUTION OF A PURCHASE
AGREEMENT WITH LORETTA R. APPLEGATE

Public Hearing: October 15, 2019

14. Additional Public Comment (three-minute limit per person)

- 15. Council Reports/Discussion/New Business
- 16. Administration Updates
- 17. Closed Session
- 18. Adjournment

ORDINANCE 2019-27

AN ORDINANCE AMENDING AND SUPPLEMENT CHAPTER 148, ARTICLE II "REFUSE COLLECTION", SECTION 148-8 "DUMPSTERS ON PUBLIC PROPERTY" OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, the Township of West Windsor has adopted Chapter 148 of the Code of the Township of West Windsor ("Code") establishing "Refuse Collection"; and

WHEREAS, the Police Division receives multi complaints throughout the year with regard to roll-off dumpsters being placed on public streets; and

WHEREAS, in accordance with New Jersey Revised Statutes Title 27, Section 27:51-1 – Parking of roll-off dumpsters.

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 changes be made:

Article II

Refuse Collection

[Adopted 6-28-1982 by Ord. No. 82-27 (Secs. 11-4 through 11-6 of the Revised General Ordinances)]

§ 148-4 **Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

ASHES

The residue from the burning of wood, coal or other combustible materials.

CONTRACTOR

A person or firm engaged in a business or service, construction, repairing, refurbishing, remodeling or the demolition of buildings or grounds within the township.

GARBAGE

Any animal or vegetable waste solids resulting from the handling, preparation, cooking or consumption of foods, but not including human wastes.

HAZARDOUS MATERIALS

Wastes presenting a clear danger to health and safety by reason of their pathological, explosive, radiological or toxic characteristics.

IMPROVEMENT AUTHORITY

The Mercer County Improvement Authority.

[Added 9-19-1989 by Ord. No. 89-42]

NONRESIDENTIAL USER

Any type of commercial, industrial or similar activity (whether or not operating for a profit) occupying premises within the township and creating solid waste in any form.

REFUSE

Garbage, rubbish, trash and ashes.

RESIDENT

Any person occupying or maintaining a place of residence within the Township of West Windsor.

RESIDENTIAL USER

A dwelling unit, such as a home, trailer or multifamily dwelling, of three or fewer units.

RUBBISH AND TRASH

Combustibles, such as paper, wood and yard debris, and non-combustibles, such as metal, glass, stone, plastic and ashes.

SOLID WASTE COLLECTION CONTRACTOR

A person or firm for hire, properly licensed in the State of New Jersey and the Township of West Windsor to collect solid waste.

§ 148-5 Collection and disposal within the Township. [Amended 9-18-1989 by Ord. No. 89-42; 3-5-1990 by Ord. No. 90-7; 4-19-1999 by Ord. No. 99-07]

The Township of West Windsor, its designee and its solid waste collector contractor, the Mercer County Improvement Authority and its designee and its solid waste collector contractor shall be responsible to collect and dispose of solid wastes within the township. This responsibility shall not include collection and disposal of demolition and hazardous materials, nonresidential user solid wastes and grass clippings except as set forth in Article III, Recycling, of this chapter.

§ 148-6 Refuse receptacles.

- A. The owner, agent, lessee, tenant or occupant of every dwelling or other premises where refuse accumulates shall provide and keep on such premises sufficient and suitable receptacles, with tight-fitting covers, for receiving and holding the aforesaid refuse.
- (1) "Sufficient" is defined for the purpose of this article to be at least one receptacle for each family unit or other occupant of premises and at least two such receptacles for each restaurant, market, store or similar business establishment where the aforesaid refuse shall accumulate.
- (2) Except for recycling material receptacles as set forth in Article IV, Recycling, of this chapter, "suitable" is defined for the purpose of this article to be a watertight metal or plastic receptacle with a tight-fitting cover, so constructed as to prevent spillage or leakage of its contents. Each receptacle for use at a single residence shall have a capacity of not more than 30 gallons, shall not exceed 60 pounds in weight and shall be equipped with a pull handle or handles. [Amended 9-18-1989 by Ord. No. 89-42]
- B. Receptacles for refuse from multi-dwelling units or industrial premises may have a greater capacity than that prescribed in Subsection A(2) hereof, provided that they are:
- (1) Watertight.
- (2) Constructed of metal or plastic.
- (3) Equipped for handling by motorized equipment.
- (4) Cleaned and sanitized as needed after emptying.
- (5) Replaced by the same type of receptacle if removed for emptying.

- C. Receptacles that are badly broken or otherwise fail to meet the requirements of this section may be classed as refuse and collected and disposed of as such by the person or agency responsible for the collection of refuse.
- D. Receptacles of refuse shall not be set out for collection before 6:00 p.m. of the day prior to the collection day on the route along which the same is situated, nor shall empty receptacles be allowed to remain on the curbline after 8:00 p.m. of the day of collection.
- E. Receptacles shall be conveniently located on premises for storage of refuse and maintained in such manner as to prevent creation of a nuisance or menace to public health.
- F. Except for recycling materials receptacles, as set forth in Article III, Recycling, of this chapter, all trash, garbage and solid waste, when placed outside for collection, shall be placed in closed receptacles or properly sealed plastic bags, in accordance with the provisions of Subsection A(2) of this section. Plastic bags shall not exceed 30 pounds in weight. Such receptacles and plastic bags must prevent their contents from escaping therefrom and littering or leaking on the streets and private property within the township. [Amended 9-18-1989 by Ord. No. 89-42]

§ 148-7 Collection conditions.

- A. Tree branches and tree limbs, not to exceed three inches in diameter, or either, shall be bundled and tied properly so that each bundle may be picked up and handled by one person. No bundle shall exceed 60 pounds in weight, four feet in length or two feet in diameter.
- B. Excessively bulky items, such as washing machines, refrigerators, stoves, household appliances and other household furnishings, shall not be left at the curb for collection unless special arrangements have first been made with the solid waste collection contractor.
- C. All broken glass and such other dangerous materials shall be placed in a secure container to facilitate safe handling and loading.
- D. No hazardous materials shall be placed or set out for collection either by itself or with other permitted matters which may be collected pursuant to this article.
- E. Ashes from coal or wood burning stoves shall be placed in a conspicuously marked metal container and shall be one week old before being placed for collection.
- F. Refuse shall be picked up only between the hours of 6:30 a.m. and 8:00 p.m. prevailing time.

148-8 Dumpsters on Public Property

A. Placement of roll-off dumpsters and containers on right-of-way or other public property.

Roll-off dumpsters and containers shall not be parked, placed or left unattended along any public right-of-way or on any public property without the authorization of the Division of Police pursuant to N.J.S.A. 27:51-1 et seq.

B. Removal of dumpsters; costs; violations and penalties.

The Division of Police may cause to be removed any roll-off dumpster or container parked, placed, or left unattended along any public right-of-way or on any public property contrary to the requirements of this article, and recover from the owner thereof the costs associated with such removal, in addition to the fine specified at N.J.S.A. 27:51-1-1(b).

§ 148-[8] <u>9</u> Violations and penalties. [Added 4-19-1999 by Ord. No. 99-07]

Penalties for violation of this article shall be as provided in Chapter 1, General Provisions, Article II, Penalty, § 1-3.

INTRODUCTION: PUBLIC HEARING: ADOPTION: MAYOR APPROVAL: EFFECTIVE DATE:

ORDINANCE 2019-28 TOWNSHIP OF WEST WINDSOR

CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS THE APPLEGATE PARCEL #62, BLOCK 10, LOT 16, CONSISTING OF APPROXIMATELY 8.8 ACRES LOCATED AT 163 CLARKSVILLE ROAD AND OTHER RELATED EXPENSES IN THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$275,000

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. The acquisition described in Section 2 of this Capital Ordinance is hereby authorized to be undertaken by the Township of West Windsor, County of Mercer, State of New Jersey as an acquisition of real property. For the acquisition described in Section 2 there is hereby appropriated the sum of \$275,000.

SECTION 2. The description of the acquisition required is as follows:

<u>CAPITAL ORDINANCE APPROPRIATION</u>

Acquisition of Real Property known as the Applegate Parcels #62, Block 10, Lot 16 located at 163 Clarksville Road consisting of approximately 8.8 acres and related expenses \$275,000

TOTAL \$ 275,000

SECTION 3. The acquisition described in Section 2 of this Ordinance is financed as follows:

Funds are available in the Open Space and Recreation Trust Fund

\$ 275,000

TOTAL \$ 275,000

SECTION 4. This Ordinance shall take effect twenty (20) days after action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable. Publication shall be in accordance to law.

INTRODUCTION: September 30, 2019

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL: EFFECTIVE DATE:

ORDINANCE 2019 - 29

TOWNSHIP OF WEST WINDSOR MERCER COUNTY, NEW JERSEY

ORDINANCE AUTHORIZING THE ACQUISTION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 10, LOT 16 AS REFERENCED ON THE WEST WINDSOR TOWNSHIP TAX MAP AND CONSISTING OF APPROXIMATELY 8.8 ACRES LOCATED AT 163 CLARKSVILLE ROAD AND EXECUTION OF A PURCHASE AGREEMENT WITH LORETTA R. APPLEGATE

WHEREAS, the Township Council of the Township of West Windsor has determined that It wishes to acquire certain real property (8.8 acres) known as Block 10, Lot 16 as referenced on the tax of the Township of West Windsor and located at 163 Clarksville Road ("the Property") owned by Loretta R. Applegate

WHEREAS, the Township Council has determined that the Property is well suited for open space preservation and related recreation use; and

WHEREAS, the Township and the Seller wish to enter into a contract to accomplish the acquisition of the Property by the Township; and

WHEREAS, the Local Lands and Buildings Law, *N.J.S.A.* 40A:12-1 *et.seq.* requires that an ordinance be adopted permitting the Township to acquire the Property; and

WHEREAS, the Township has determined that the funding for the acquisition will be made through open space tax monies;

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

- (1) The Township wishes to acquire certain real property owned by Loretta R. Applegate, being known as Block 10, Lot 16 as referenced on the Township tax map for the purchase price of Two Hundred and Twenty-Five Thousand Dollars (\$225,000.00) and
- (2) The Mayor and Clerk are authorized to execute on behalf of the Township a purchase agreement with Loretta R. Applegate attached hereto as Exhibit A for the acquisition of the subject property and are further authorized to execute all related closing documents; and
- (3) This Ordinance shall be in force 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: September 30, 2019

Public Hearing: Adoption:

Mayor's Approval:

Effective Date:

WHEREAS, the Tax Assessor of the Township of West Windsor was notified by Gary H, Weiss, the owner of the residence at 109 Rainflower Lane, West Windsor, NJ, that he is requesting a 100% Disabled Veteran exemption from property taxes; and

WHEREAS, Mr. Weiss has submitted all the required paperwork and proof pursuant to State Statute 54:4-3.30; and

WHEREAS, the Township Tax Assessor recommends that the above resident, having met all the requirements of the State Statute for 100% Disabled Veterans as of June 18, 2019, receive a property tax exemption for tax year 2019; and

WHEREAS, finally, the Tax Collector requests the Township Council refund Mr. Weiss in the amount of \$262.20, which is the amount paid from the date of ownership, June 18, 2019 to June 30, 2019;

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of West Windsor hereby authorizes the Tax Collector to cancel the following property taxes listed below for 109 Rainflower Lane, West Windsor, NJ and refund Mr. Weiss the amount of \$262.20:

Property Taxes Cancelled

June 18, 2019 - December 31, 2019 \$4,270.33

Property Taxes Refunded

June 18, 2019 (Date of Purchase) to June 30, 2019 \$262.20

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th of September, 2019.

- 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 Information Technology Practice Policy are eligible for deductible incentives; and
- WHEREAS, the Department of Administration recommends the Township Council approve the amendment to the Township's Personnel Policies and Procedures Manual in accordance with recommended technology proficiency standards issued by the MELJIF; 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
- NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor does hereby amend the Personnel & Procedures Manual to include the Model Information Technology Practice Policy as follows:

Model Information Technology Practice Policy

West Windsor Township

Purpose: To establish as policy certain information technology practices. Further, compliance with various practices will enable West Windsor Township to claim a reimbursement of a paid insurance deductible in the event the member files a claim against West Windsor Township's cyber insurance policy, administered through MIDJIF and the Municipal Excess Liability Joint Insurance Fund.

A. Technical Operations

- 1. System and data back-up practices: West Windsor Township will implement backup practices that meet the following as a minimum standard, or will implement recommendations of a qualified information technology advisor who, after consideration of West Windsor Township's information technology needs, recommends an alternative, which shall be fully documented.
 - Daily incremental backups or the use of standardized system images or virtualized desktops, with at least 14 days of versioning on off-network device for data files
 - b. Weekly off-network full backups of all devices:
 - i. Use of non-versioned, synchronized cloud-based drives are not acceptable as backup solutions. Cloud-based drives used for backup must have a minimum of 14 days of versioned files

- ii. A full backup of non-networked/standalone desk and laptop computers must include all storage drives
- c. Weekly off-network full backups of all devices:
 - i. Use of non-versioned, synchronized cloud-based drives are not acceptable as backup solutions. Cloud-based drives used for backup must have a minimum of 14 days of versioned files
 - ii. A full backup of non-networked/standalone desk and laptop computers must include all storage drives
- d. All backups are spot-checked monthly
- e. Consult with third party application providers to ensure their data files are part of a backup practice
- 2. Security and system patching: all operating and application software shall be updated on a timely basis with latest versions as released, particularly as related to security updates.
 - a. Outdated or non-supported operating systems and software shall not be used unless there is no practical alternative available, in which case, appropriate steps shall be taken to mitigate potential security threats. System administrators shall coordinate patching with applications maintained or managed by third parties to ensure upgrades will not disable their applications. When upgrades cannot be applied, appropriate action shall be taken to prevent the system or application from security exploitation.
- **3. Defensive software** shall be installed and operative on all computing devices a follows:
 - a. For all desktops and laptops devices: antivirus and an enabled firewall
 - b. Mail server: anti-spam and anti-virus filters
 - c. For network servers that connect to the internet: an active firewall on all open ports, unused ports closed; and anti-virus, anti-malware software running
 - d. All Microsoft Office applications are set to all downloaded files in "Protected Mode"
- **4. Server security:** all servers are protected from unauthorized access by means of a secured cage, locked cabinet (with sufficient airflow) or other physically secure means to ensure that only authorized users have access to it.
- 5. Access privilege controls and policies are in place and maintained to ensure that:
 - a. users with administrator rights are limited to those that need them;
 - b. that other users only have access to those services they need for day-to-day activities:

- c. that access is removed when it is no longer needed or when an employee separates from service; and
- d. access rights are periodically reviewed to ensure compliance.

The Business Administrator shall work with the *information technology manager* to ensure that system access needed by new employees is provided on a timely basis, and that notice of termination of employees is provided and acted upon by *information technology manager* prior to notice provided to the employee.

6. Security Incident response: Appropriately trained staff or contractors are available to support West Windsor Township's technology and to timely respond to security incidents.

B. Employee-based Cyber Security Practices

- 1. All computer users shall receive annual training of at least one hour, each year or spread over two years in email and website malware identification, password construction, identifying security incidents, and social engineering attacks.
- 2. Employees are required to use unique passwords or passphrases made up of at least 8 characters, changed periodically, but at least annually. Passwords/phrases shall be at least 8 alpha-numeric characters, with incidental upper- and lower-case letters and symbols.
- **3.** Files that contain protected data shall be password protection or be encrypted when the files are stored or transferred to others, regardless of the storage medium or means of transfer. Examples of protected data includes social security numbers, birthdates, driver's license number, health insurance numbers, etc. Practices shall include ensuring that more than one employee is aware of the password or passphrase used to encrypt these files.

C. Technology Management Practices

1. Mayor and Governing Body shall ensure that technology policy decisions (i.e., risk assessment, planning, and budgeting) are made with input from staff or advisors that possess appropriate technological expertise. This can be any combination of officials, employees, contractors/consultants, or citizen volunteers as they determine necessary.

Page 4 2019-R204

2. The Business Administrator shall approve and implement a cybersecurity incident response plan to direct staff and guide IT management decision making when a cybersecurity incident takes place.

Adopted: September 30, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September 2019.

- WHEREAS, canine "Cherno" has been with the West Windsor Police Division since April 4, 2010; and
- WHEREAS, "Cherno" has reached an age where he is ready to retire from his daily duties as a K-9 Officer and the Chief of Police Robert Garofalo is recommending that he be retired after serving on the Police Division for over nine years; and
- WHEREAS, on September 16th, 2019 "Cherno" officially retired from the Police Division on Monday; and
- WHEREAS, Officer Douglas Montgomery was assigned to "Cherno" as his handler and now wishes to assume responsibility for the ownership and care of "Cherno", and the Township of West Windsor wishes to transfer ownership of "Cherno" to Officer Douglas Montgomery.
- NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Windsor, County of Mercer, State of New Jersey hereby accepts the retirement of K-9 "Cherno" from the West Windsor Police Division and that they further transfer the ownership of "Cherno" to Officer Douglas Montgomery effective this date.

Adopted: September 30, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.

- WHEREAS, on August 2, 2019 Thomas Polino the AFSCME 3242 Representative and Marlena Schmid, Business Administrator signed the AFSCME Local 3242 Successor Agreement Recommendation which approved all changes to be made for the new 2019-2022 AFSCME Contract; and
- WHEREAS, on August 19, 2019 Resolution 2019-R179 was approved authorizing the Mayor and the Township Clerk to sign the West Windsor American Federation of State, County, and Municipal Employees (AFSCME) Local 3242 Agreement in accordance with the Successor Agreement Recommendation; and
- WHEREAS, language was inadvertently added which was not previously agreed to by all parties in "Article IX Insurance and Retirement Section E. Prescription Drug Plan" as follows: "The Township will be held harmless for insurance industry related changes forced by regulatory bodies to comply."; and
- WHEREAS, the removal of said language does not change any benefits received by the employees covered under this agreement.
- NOW, THEREFORE BE IT RESOLVED, that the above referenced minor amendment to page 23 of the current AFSCME Local 3242 be approved to be removed from the contract by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey.

Adopted: September 30, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January, 2019.

- WHEREAS, the Tax Collector has certified the information contained in the License Agreement attached states as follows; and
- WHEREAS, on November 8, 2004, the Township of West Windsor entered into a License Agreement with the Public Service Electric and Gas Company ("PSE&G"), Resolution 2004-R283; and amended on May 22, 2006 by Resolution 2006-R115; and
- WHEREAS, the agreement provides for a property easement for the attached list of properties owned by PSE&G; and
- WHEREAS, in exchange for use of the land as a Bicycle, Hiking and Jogging Path, the Township Council has agreed to a 50-year License Agreement which includes the following provision; and
- WHEREAS, the Township of West Windsor, as noted in Section W of the License Agreement agrees to waive "the municipal portion all real estate taxes levied by the Township of West Windsor against the Licensed Premises".
- NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of West Windsor agrees to cancel the following municipal taxes totaling \$6,185.81 for the year 2019:

Block 16.11	Lot 19	\$ 791.21
Block 17.08	Lot 8	\$ 660.67
Block 17.14	Lot 24	\$ 281.94
Block 17.18	Lot 8	\$ 341.88
Block 19	Lot 5	\$ 2,077.92
Block 49	Lot 86	\$ 1,105.12
Block 61	Lot 78	<u>\$ 927.07</u>

Total <u>\$ 6,185.81</u>

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.

- WHEREAS, on August 15, 2017 the Township of West Windsor received one (1) bid for services in connection with the closing, opening, painting and seasonal maintenance of the West Windsor WaterWorks from Fall 2017 through Labor Day 2019; and
- WHEREAS, Aquatic Service Inc., of 170 Burlington Avenue, Spotswood, New Jersey 08884 was awarded the contract for these services; and
- WHEREAS, the bid specifications permit the Township to extend the contract for two (2) one (1) year extensions; and
- WHEREAS, the services performed by Aquatic Service Inc. under the contract have been acceptable; and
- WHEREAS, the Township wishes to extend the contract for said work to Aquatic Service Inc. for an additional one (1) year period with 2.50% rate increase in accordance with the original bid submittal and the current index rate; and
- WHEREAS, the Township's Chief Financial Officer has certified that monies for these services are available in the following account:
 - 265-01-210 Swimming Pool Utility – Consultant Services \$45,702.30
- NOW, THEREFORE, BE IT RESOLVED by the West Windsor Township Council that the Contract for Closing, Opening, Painting and Seasonal Maintenance of the West Windsor WaterWorks is extended with Aquatic Service Inc. for the period Fall 2019 through Labor Day 2020, and that the Mayor and Clerk are authorized to sign the attached contract.

Adopted: September 30, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.

- WHEREAS, NJSA 40:66 1 et seq. establishes a policy and schedule of the reimbursement of costs for solid waste collection services incurred by qualified multifamily dwellings as defined by the law; and
- WHEREAS, Avalon Watch Communities, Inc., The Mews at Princeton Junction and Windsor Woods Luxury Apartments qualified as such a community; and
- WHEREAS, the Township of West Windsor has agreed to reimburse Avalon Watch Communities, Inc., The Mews at Princeton Junction and Windsor Woods Luxury Apartments solid waste collection costs for the calendar year 2018;
- WHEREAS, funds are available as evidenced by the Chief Financial Officer's certification of funds;

Avalon Watch Communities, Inc.

Refuse Collection – Multi Family Reimbursement. 106-58-224A \$81,405.79 The Mews at Princeton Junction

Refuse Collection – Multi Family Reimbursement. 106-58-224A \$133,195.70 Windsor Woods Luxury Apartments

Refuse Collection – Multi Family Reimbursement. 106-58-224A \$ 35,074.32

Total \$249,675.81

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 an agreement with The Mews at Princeton Junction to reimburse them for certain solid waste collection costs pursuant of NJSA 40:66 - 1 et. Seq. in the following amounts for the calendar year 2018.

Avalon Watch Communities, Inc.	\$ 81,405.79
The Mews at Princeton Junction	\$133,195.70
Windsor Woods Luxury Apartments	\$ 35,074.32

Total \$249,675.81

Adopted: September 30, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.

- 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 as defined by the law; and
- WHEREAS, Canal Pointe Condominium Association, Princeton Greens Homeowners Association, Village Grande Homeowners Association, Windsor Haven Homeowners Association and Windsor Ponds Homeowners Association qualifies as such community; and
- WHEREAS, the Township of West Windsor has agreed to reimburse the above mentioned Condominium and Homeowners for snow removal costs and refuse and recycling costs for 2018;
- WHEREAS, funds are available as evidenced by the Chief Financial Officer's certification of funds:

Canal Pointe Condominium Association		
Refuse Collection – Other Expenses 1	\$90,140.43	
Snow Trust	121407	\$ 6,217.67
Princeton Greens Homeowners Association		
Snow Trust	121407	\$ 1,384.15
Village Grande Homeowners Association		
Snow Trust	121407	\$10,655.73
Windsor Haven Homeowners Association		
Snow Trust	121407	\$ 1,779.62
Windsor Ponds Homeowners Association		
Snow Trust	121407	\$ 4,328.20
Total		\$114,505.80

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 agreement with this Association 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 (2018)	\$90,140.43
Snow Removal (2018)	\$ 6,217.67
Princeton Greens Homeowners Association	
Snow Removal (2018)	\$ 1,384.15
Village Grande Homeowners Association	

	Snow Removal (2018)	\$10,655.73
Page 2 2019-R210		
	Windsor Haven Homeowners Association	
	Snow Removal (2018)	\$ 1,779.62
	Windsor Ponds Homeowners Association	
	Snow Removal (2018)	\$ 4,328.20
	Total	<u>\$114,505.80</u>

Adopted: September 30, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.

- WHEREAS, the Township of West Windsor wishes to purchase one (1) model year 2020 Ford Escape 4 WD Vehicle to replace one (1) aging vehicle assigned to the Division of Code Enforcement through the Education Services Commission of New Jersey ESC Co-Op #65MCESCCPS-ESCNJ 17/18-21; and
- WHEREAS, Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey 07960 has been awarded the Educational Services Commission of New Jersey ESC Co-Op #65MCESCCPS-ESCNJ 17/18-21 contract for said vehicle, SUV, Small, 4 door, 4 WD \$24,366.31 (Base Contract Price \$24,191.31/Delivery \$175.00); and
- WHEREAS, the 2020 Ford Escape will replace a 2008 Ford Escape; and
- WHEREAS, the purchase of the 2020 Ford Escape is available through the approved Capital Project List Code Enforcement; and
- WHEREAS, certification of funds has been received from the Chief Financial Officer and funds for said purchase are available in the following line item appropriation account:

Code Enforcement-Acquisition of Vehicle 405-2019-18-008 \$24,366.31

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor authorizes the Business Administrator to purchase one (1) 2020 Ford Escape 4 WD SUV from Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey 07960.

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 30th day of September, 2019.

Gay M. Huber

- WHEREAS, the Township of West Windsor wishes to purchase two (2) power lift stretchers to aid Township firefighters in moving patients during medical emergencies through the County of Bergen Cooperative Purchasing Program as authorized through the New Jersey cooperative purchasing alliance N.J.S.A. 40A:11-11(5), and
- WHEREAS, on September 4, 2018, the Township of West Windsor adopted Resolution 2018-R200 authorizing purchases through the County of Bergen Coop CK04-, and
- WHEREAS, Stryker Sales Corp., 3800 East Central Ave., Portage, MI 49002, has been awarded the Bergen County Coop Resolution #18-34 for said power lift stretchers, and
- WHEREAS, the purchase of the power lift stretchers was included in the 2019 capital budget, and
- WHEREAS, the total cost for this purchase will not exceed \$107,762.20, and
- WHEREAS, sufficient money is provided in the Capital Budget Account Number 405-2019-18-018, entitled Fire & Emergency Services Acquisition of Equipment Non Vehicular as certified by the West Windsor Township Chief Financial Officer.
- NOW, THEREFORE, BE IT RESOLVED by Township Council of the Township of West Windsor that the Township Business Administrator is hereby authorized to purchase the above, under Bergen County Coop #18-34 from Stryker EMS Equipment.

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.

WHEREAS, the Township of West Windsor has determined the need for landscape maintenance for Municipal Ash trees in decline due to the emerald Ash Borer (EAB); and

WHEREAS, said contracts were put out to public bid seeking bids for the fourth phase (Y3-4) of this project, and said bids were opened on September 17, 2019; and

WHEREAS, five contractors picked up bids and the Township received two bids from the following bidders:

ContractorBase Bid plus Alt. #1Sunset Creations\$162,025.00Down to Earth\$236,995.00

WHEREAS, the Township staff has reviewed all bids and determined that the lowest responsible bid was submitted by Sunset Creations, Inc.; 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:

Traffic Safety Improvements (EAB Mgmt. Program) 405 2018 15 014 \$162,025.00

NOW, THEREFORE, BE IT RESOLVED, by the Township of West Windsor that the contract for the West Windsor EAB Management, Street Tree Replacement, Y3-4, base bid plus alternate bid #1, be awarded to Sunset Creations, Inc., 355 Route 601, Belle Mead, NJ 08502, and the Mayor and Clerk are authorized to execute said contract.

NOW BE IT FURTHER RESOLVED, this contract is awarded pursuant to a fair and open process.

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 30th day of September 2019.

Gay M. Huber Township Clerk West Windsor

- WHEREAS, the Township of West Windsor required professional construction administration and observation services for the televising and assessment of the D&R Sewer Interceptor; and
- WHEREAS, Van Cleef Engineering Associates was awarded the contract on October 15, 2018, for the total contract amount of Nineteen Thousand Fifty Six Dollars (\$19,056.00); and
- WHEREAS, Van Cleef Engineering Associates was awarded Amendment #1 to their contract on May 28, 2019, for a revised total contract amount of Twenty Five Thousand Two Hundred Twenty Four Dollars and Fifteen Cents (\$25,224.15); and
- WHEREAS, there is a need for additional supplementary work for the removal and inspection of failed sewer liner within the 48" diameter pipe, in addition to the design and inspection of repairs to the deteriorated sections of pipe and manholes, as outlined in their September 17, 2019 letter; and
- WHEREAS, the amount of additional services is Fifty Thousand Three Hundred Eighty Dollars (\$50,380.00) for a total revised contract amount of Seventy Five Thousand Six Hundred Four Dollars and Fifteen Cents (\$75,604.15); 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:

Sanitary Sewer Line Upgrades 405-2008-26-002 \$50,380.00

- WHEREAS, said Amendment #2 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 #2 to the Agreement for Professional Engineering Services with Van Cleef Engineering Associates of Hamilton, NJ.

Page 2 2019-R214

- (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: September 30, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September 2019.

Gay M. Huber Township Clerk

West Windsor Township

- 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:

Engineering-Consultant Services	105-30-210	\$ 6,500.00
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:

Engineering-Consultant Services	105-30-210	<u>\$3,500.00</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 \$6,500.00 with Van Cleef Engineering Associates to a revised contract amount of \$10,000.00.

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September 2019.

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 was received from the Chief Financial Officer and funds for said contract were available in the following line item appropriation account:

Engineering-Consultant Services Account Title 105-30-210 \$5,000.00 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:

Engineering-Consultant Services 105-30-210 \$11,450.00
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 \$5,000.00 with GeoTrek Environmental and Surveying, LLC to a revised contract amount of \$16,450.00.

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September 2019.

- WHEREAS, the Township of West Windsor has received a Retail Liquor License Application from C.A. Mauer Corporation t/a Big Fish Seafood Bistro for a Person to Person Transfer of Liquor License 1113-33-009-003 to MarketFair Holdings II LLC; and
- WHEREAS, the applicant wants to transfer the Plenary Retail Consumption License from C.A. Mauer Corporation t/a Big Fish Seafood Bistro to MarketFair Holdings II LLC; and
- WHEREAS, the West Windsor Police Division has conducted a background investigation and approved the Person to Person Transfer of the Plenary Retail Consumption License; and
- WHEREAS, in accordance with N.J.A.C. 13:2-7.4, the applicant has provide to the Township Clerk's Office the proof of publication of the notice of the application in the Times of Trenton on August 19, 2019 and September 2, 2019; and
- WHEREAS, no objection to the application has been received; and
- WHEREAS, the Alcoholic Beverage Retail License Clearance Certificate to transfer has been received by the Township Clerk; 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 State Statutes, regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33; and
 - 3. New Jersey Division of Alcoholic Beverage Control has reviewed the application and finds no reason not to permit the transfer.
- NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Person to Person transfer of the Plenary Retail Consumption License No. 1113-33-009-003 to MarketFair Holdings II, LLC is hereby approved.

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.

- WHEREAS, the Collective Bargaining Agreement (CBA) between the Township of West Windsor and the West Windsor PBA Local 271 a/k/a New Jersey State Policemen's Benevolent Association Local 271 expired December 31, 2018; and
- WHEREAS, in late June 2019 Arbitrator James W. Mastriani rendered a decision and award "In the Matter of Interest Arbitration Between the Township of West Windsor and the Policemen's Benevolent Association, Local 271" Docket No. IA-2019-014; and
- WHEREAS, the West Windsor Township Administration has prepared a CBA for the period January 1, 2019 through December 31, 2022 pursuant to the arbitrator's award in the above referenced matter.
- NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Mayor and Township Clerk are hereby authorized and directed to execute an agreement with the New Jersey State Policemen's Benevolent Association Local 271.

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.

- WHEREAS, the Collective Bargaining Agreement (CBA) between the Township of West Windsor and the West Windsor Township Police Superior Officers Association (SOA) expired December 31, 2018; and
- WHEREAS, in late June 2019 Arbitrator James W. Mastriani rendered a decision and award "In the Matter of Interest Arbitration Between the Township of West Windsor and Policemen's Benevolent Association, Local 271," Docket No. IA-2019-014; and
- WHEREAS, the West Windsor Township Administration has prepared a CBA with the West Township Police SOA that mirrors most of the terms and conditions set forth in the New Jersey State Policemen's Benevolent Association Local 271 CBA; and
- WHEREAS, the Agreement is for the period January 1, 2019 through December 31, 2022.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Mayor and Township Clerk are hereby authorized and directed to execute an agreement with the West Windsor Township Police Superior Officers Association.

Adopted: September 30, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.

Gay M. Huber Township Clerk

West Windsor Township

RESOLUTION REGARDING MASS SHOOTINGS IN THE UNITED STATES

- WHEREAS, mass shootings are all too common in this country; and
- WHEREAS, after each mass shooting there are calls for federal action to re-institute the ban on assault weapons, ban high-capacity magazines, institute efficient background checks, and pass red flag laws to identify people who should not own weapons; and
- WHEREAS, after each mass shooting no new legislation is introduced at the federal level; and
- WHEREAS, New Jersey as a 30-year ban on assault weapons; a law that closes the boyfriend loophole; a comprehensive package of state legislation passed last year to restrict high-capacity magazines, strengthen background checks, and institute a red flag law; and
- WHEREAS, New Jersey has the 6th lowest rate of gun deaths per year of all the states; and
- WHEREAS, despite these sensible gun control laws, New Jersey is vulnerable to shooters and weapons coming in from neighboring states; and
- WHEREAS, an estimated 80% of New Jersey gun-related deaths occur from firearms brought in from out of state; and
- WHEREAS, it is obvious that mass shootings will continue unless and until sensible laws like New Jerseys are adopted at the federal level.
- THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that we hereby call upon our two Senators and twelve Representatives to use their most persuasive arguments to induce their colleagues to take action to protect all Americans from mass shootings; and
- BE IT FURTHER RESOLVED, that the Clerk send a copy of this resolution to all twenty-one Boards of Chosen Freeholders, that they may pass it themselves and urge their constituent municipalities to pass it, in order that the importance of this issue be emphasized.

Adopted: September 30, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of September, 2019.