

**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
October 28, 2019**

6:00 P.M.

Business Session will begin after the closed session.

1. Call to Order
2. Statement of Adequate Notice - January 11, 2019 to The Times and the Princeton Packet. Closed Session was noticed on October 24, 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)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments
10. Public Hearings

2019-30 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 74, ARTICLE I "DWI/DRUG-FREE ZONES" OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

2019-31 AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THEREOF - POLICE LIEUTENANTS, PATROL, SERGEANTS

- 2019-33 AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE MUNICIPAL COMPLEX IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$4,921,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,300,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF
- 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

11. Consent Agenda

A. Resolutions

- 2019-R237 Approving the Request for a Permit from Leukemia and Lymphoma Society for a Public Fireworks Display on November 2, 2019 at Mercer County Park

B. Minutes

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

- 2019-R229 Authorizing the Business Administrator to Purchase Computer Equipment for the Senior Center Computer Lab from CDW Government and Authorizing the Chief Financial Officer to Increase the Purchase Order by \$3,675.00 For A Total Not To Exceed of \$65,566.00

- 2019-R230 Authorizing the Mayor and Clerk to Execute an Agreement with the West Windsor Township Professional Firefighters Association Local 3610 of the International Association of Firefighters (IAFF) for the Contract Period of January 1, 2019 through December 31, 2022

2019-R231 Authorizing the Mayor and Clerk to Execute a One-Year Contract with Princeton Air Conditioning for Maintenance and Service of the Heating, Ventilation and Air Conditioning Systems for Various Township Buildings for the Contract Period of January 1, 2020 through December 31, 2020 - \$47,304.00

2019-R232 Authorizing the Township Council to Reject All Bids for the Project Known As Re-Bid Pole Barn Garage

2019-R233 Authorizing the Mayor and Clerk to Extend the Memorandum of Understanding Between the Township of West Windsor and The Historical Society of West Windsor For the Second, Two Year Extension Period until December 31, 2021 and Increase the Use of the Three Bay Garage from One Bay to Two Bays

2019-R234 Authorizing the Mayor and Clerk to Execute a Developer's Agreement with Bear Brook Homes, LLC (PB16-12)

2019-R235 Authorizing the Mayor and Clerk to Execute a Contract with MNC Concrete, LLC for the 2019 Sidewalk Repair Program - \$95,880.00

2019-R236 Authorizing the Mayor and Clerk to Execute a Lease Amendment with the Princeton Junction Volunteer Fire Company for Additional Property for the Installation of a Ground Mounted Solar Array

14. Introduction of Ordinances

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

Public Hearing: November 18, 2019

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

16. Council Reports/Discussion/New Business

Best Practices Discussion

17. Administration Updates

18. Closed Session

19. Adjournment

ORDINANCE 2019-30

AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 74, ARTICLE I DWI/DRUG-FREE ZONES
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

Article I

Drug-Free [School] Zones

§ 74-1 Adoption of Map.

In accordance with and pursuant to the authority of L. 1988, c. 44 (N.J.S.A. 2C:35[-7] et. seq.), the DWI/Drug-Free [School] Zones Map produced by West Windsor Township Engineer [James Parvesse] Francis Guzik, dated [November 200] **October 2019**, is hereby approved and adopted as an official finding and record of the location and areas within the township of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board and of the areas on or within 1,000 feet of such school property; **and is hereby approved and adopted as an official finding and record of location and boundaries of the area or areas on or within 500 feet of a public park, public building, or public housing facility.**

The DWI/Drug-Free Zones

§ 74-2 Continued viability of Map.

- A.** The DWI/Drug-Free [School] Zones Map approved and adopted pursuant to § 74-1 shall continue to constitute an official finding and record as to the location and boundaries of areas on or within 1,000 feet of property owned or leased to any elementary or secondary school or school board which is used for school purposes until such time, if any, that this article shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug-Free [School] Zones.
- B.** **The DWI/Drug-Free Zones Map approved and adopted pursuant to § 74-1 of this chapter shall continue to constitute an official finding and record as to the location and boundaries of areas on or within 500 feet of a public park, public building, or public housing facility which is used for public purposes until such time, if any, that this chapter shall be amended to reflect any additions or deletions with respect to the location and boundaries of public property and DWI/Drug-Free Zones.**

§ 74-3 Responsibilities of school officials.

The School Board or the Chief Administrative Officer, in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Township Engineer and the [Municipal]**Township** Attorney of any changes or contemplated changes in the location and boundaries of any property owned or leased to any elementary or secondary school or school board and which is used for school purposes.

§ 74-4 Responsibilities of Clerk.

The Clerk is hereby directed to receive and to keep on file the original of the Map approved and adopted pursuant to § 74-1 and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such a copy[, along with a certification that such copy is a true copy of the Map approved and adopted herein and kept on file]. It is hereby further directed that a true copy of such Map and of this article shall be provided without cost to the County Clerk and to the office of the Mercer County Prosecutor.

§ 74-5 **Additional matters.**

The following additional matters are hereby determined, declared, recited and stated:

- A. It is understood that the Map approved and adopted pursuant to § 74-1 was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this state and that pursuant to state law such Map shall constitute prima facie evidence of the following:
- (1) The location of elementary and secondary schools within the municipality.
 - (2) The boundaries of the real property which is owned by or leased to such schools or a school board.
 - (3) That such school property is and continues to be used for school purposes.
 - (4) The location and boundaries of areas which are on or within 1,000 feet of such school property.
 - (5) The location and boundaries of those areas in or within 500 feet of a public park, public building or public housing facility pursuant to N.J.S.A. 2C:35-71**
- B. **Pursuant to N.J.S.A. 2C:35-7.1, nothing in this section shall be construed to preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense.** [Except as is otherwise expressly noted on the face of the approved and adopted Map, all of the property depicted on the Map approved and adopted herein as school property was owned by or leased to a public or private elementary or secondary school or school board and was being used for school purposes as of July 9, 1987, that being the effective date of L. 1987, c. 101 (N.J.S.A. 2C:35-7).]
- [C. Pursuant to the provisions of L. 1988, c. 44 (N.J.S.A. 2C:35-7), a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to § 74-1. The failure of the Map approved herein to depict the location and boundaries of any property which is in fact used for school purposes and which is owned by or leased to any public or private elementary or secondary school or school board, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a public or private elementary or secondary school or school board or that such property is not used for school purposes.]
- [D. All of the requirements set forth in L. 1988, c. 44 concerning the preparation, approval and adoption of a Drug-Free School Zone Map have been complied with.]

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

ORDINANCE 2019-31

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST WINDSOR

AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR
THE TOWNSHIP OF WEST WINDSOR AND
PROVIDE FOR THE ADMINISTRATION THEREOF – Police Lieutenants, Patrol, Sergeants

Section 1. BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY, that the salary and wage plan for employees and officers of the Township is as follows:

E. ANNUAL SALARIES AND WAGES FOR SUPERIOR OFFICERS

1. JOB CLASSIFICATIONS FOR EMPLOYEES whose positions are represented by the Police Superior Officers bargaining Unit shall be noted below:

Lieutenant	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
	\$143,145	\$146,008	\$149,293	\$152,652

F. ANNUAL SALARIES AND WAGES FOR POLICE OFFICERS:

1. JOB CLASSIFICATIONS FOR EMPLOYEES whose positions are represented by the Police Benevolent Association bargaining Unit shall be noted below:

SCHEDULE A – PATROLMEN & SERGEANTS HIRED PRIOR TO JANUARY 1, 2017

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
	<u>2.00%</u>	<u>2.00%</u>	<u>2.25%</u>	<u>2.25%</u>
Entry Level	\$ 44,037	\$ 44,918	\$ 45,928	\$ 46,962
Completion of Academy	\$ 51,877	\$ 52,914	\$ 54,105	\$ 55,322
Beginning 2 nd	\$ 59,610	\$ 60,803	\$ 62,171	\$ 63,569
Beginning 3 rd	\$ 67,342	\$ 68,689	\$ 70,234	\$ 71,815
Beginning 4 th	\$ 75,075	\$ 76,576	\$ 78,299	\$ 80,061
Beginning 5 th	\$ 82,806	\$ 84,462	\$ 86,363	\$ 88,306
Beginning 6 th	\$ 90,540	\$ 92,351	\$ 94,429	\$ 96,553
Beginning 7 th	\$ 98,272	\$100,238	\$102,493	\$104,799
Beginning 8 th	<u>\$111,832</u>	<u>\$114,068</u>	<u>\$116,635</u>	<u>\$119,259</u>
Sergeant (First year sergeant will start \$500 below Sergeant scale)	\$124,523	\$127,014	\$129,871	\$132,794

PATROLMEN & SERGEANTS HIRED AFTER JANUARY 1, 2017

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
	<u>2.00%</u>	<u>2.00%</u>	<u>2.25%</u>	<u>2.25%</u>
Entry Level	\$ 44,037	\$ 44,918	\$ 45,928	\$ 46,962
Completion of Academy	\$ 50,006	\$ 51,006	\$ 52,154	\$ 53,327
Beginning 2 nd	\$ 55,974	\$ 57,094	\$ 58,378	\$ 59,692
Beginning 3 rd	\$ 61,943	\$ 63,182	\$ 64,604	\$ 66,057
Beginning 4 th	\$ 67,912	\$ 69,270	\$ 70,829	\$ 72,423
Beginning 5 th	\$ 73,881	\$ 75,359	\$ 77,054	\$ 78,788
Beginning 6 th	\$ 79,849	\$ 81,446	\$ 83,279	\$ 85,153
Beginning 7 th	\$ 85,818	\$ 87,535	\$ 89,504	\$ 91,518
Beginning 8 th	\$ 91,787	\$ 93,623	\$ 95,730	\$ 97,883
Beginning 9 th	\$ 97,756	\$ 99,711	\$101,955	\$104,249
Beginning 10 th	\$103,724	\$105,799	\$108,179	\$110,613
Beginning 11 th	\$111,832	\$109,933	\$112,407	\$114,936
Beginning 12 th	--	\$114,068	\$116,635	\$119,259
Sergeant (First year sergeant will start \$500 below Sergeant scale)	\$124,523	\$127,014	\$129,871	\$132,794

Section 2. Part-time and per diem employees are paid based on the hourly rate of annual salary.

Section 3. This Ordinance shall be retroactive to January 1, 2019, 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:
PUBLIC HEARING:
ADOPTION:
MAYOR APPROVAL:
EFFECTIVE DATE:

ORDINANCE 2019-33

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE MUNICIPAL COMPLEX IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$4,921,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,300,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of West Windsor, in the County of Mercer, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$4,921,400, including the sum of \$1,621,400 as the down payment required by the Local Bond Law. The down payment is now available by virtue of liquor license proceeds.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,300,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the architectural design, construction, construction management and observation services for improvements to the Municipal Complex renovations, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next

succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department

of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,300,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for

the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

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 billion single-use shopping bags are used annual in New Jersey and 102 billion are used nationwide; 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.] This section is being removed completed.

148-28 USE OF RESUABLE 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 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).

148-30 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

148-31 COMPLIANCE ASSISTANCE

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.

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.

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, 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

ADOPTION:

MAYOR'S APPROVAL:

EFFECTIVE DATE

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 Township of West Windsor, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Windsor has the need on a timely basis to purchase technological goods or services utilizing State contracts; and

WHEREAS, CDW Government is an authorized vendor of HP Inc. under NJ State Contract M0483-89974, and

WHEREAS, the following resolutions were approved and certification of funds were authorized as follows:

2019-R098	CDW Government	8/19/2019	\$ 61,891.00	COF 2019-77
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WHEREAS, the total cost of the Workstations necessary is \$3,675.00 and the Chief Financial Officer has approved funding for the above from the following capital account:

4 05 2008 11 014	HS-Senior Center-Office/Computer Equipment	\$ 3,675.00
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NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator Marlena Schmid to purchase the above from CDW Government under NJ State Contracts M0483-89974.

BE IT FURTHER RESOLVED, that the authorization to the existing New Jersey State Contract M0483-89974 is amended to reflect the \$3,675.00 increase from \$61,891.00 to \$65,566.00.

Adopted: October 28, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of October, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS negotiations between the Township of West Windsor and the West Windsor Professional Firefighters Association Local 3610 of the International Firefighters Association (IAFF) (the “Parties”) were initiated in October 2018; and

WHEREAS, the West Windsor Township Council approved ratification of the Memorandum of Agreement (MOA) between the Parties when the governing body approved Resolution 2019-R105 at their April 29, 2019 meeting; and

WHEREAS, the Union Attorney reviewed the a draft of the negotiated contract and raised objections to some of language the parties originally agreed to in the MOA; and

WHEREAS, the parties conducted additional negotiation sessions to resolve their differences concerning certain provisions; and

WHEREAS, the collective bargaining negotiations process has been completed and the IAFF membership voted to ratify the contract for the period from January 1, 2019 through December 31, 2022; and

WHEREAS, the negotiation teams of both the Township of West Windsor and the West Windsor Professional Firefighters Association Local 3610 of the IAFF recommend to the Mayor and Township Council that the agreement reflects accurately all of the matters bargained and is in the best interest of both the employees in the bargaining unit and the Township.

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 Professional Firefighters Association Local 3610 of the IAFF.

Adopted: October 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 October, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township has by public bid solicited proposals for maintenance and service of the heating, ventilating and air conditioning (HVAC) systems for various township buildings; and

WHEREAS, three (3) bids were received at the bid opening held on October 1, 2019; and

WHEREAS, the Township has determined that the lowest responsible bidder is Princeton Air Conditioning, Inc. of 39 Everett Drive, Princeton Junction, New Jersey 08550, with a bid of \$47,304; and

WHEREAS, the Township's Chief Financial Officer has certified that funds for these services are available subject to the adoption of the 2020 Municipal Budget.

Building & Grounds HVAC Repair & Maintenance 105-53-218

NOW, THEREFORE, BE IT RESOLVED by the West Windsor Township Council that the Contract for maintenance and service of the heating, ventilating, and air conditioning (HVAC) systems for various township buildings be awarded to Princeton Air Conditioning, Inc. for the period January 1, 2020 through December 31, 2020 and that the Mayor and Clerk are authorized to execute a contract for said services.

Adopted: October 28, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of October, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township opened and read bids on October 3, 2019 for a project known as RE-BID Pole Barn Garage for Fire and Emergency Services located at the West Windsor Fire and Emergency Services Station 45; and

WHEREAS, All three bidders have submitted bids that exceed the Architectural estimate and the current capital funding allocations; and

WHEREAS, the Bid Documents permit West Windsor Township to reject any or all bids if it is in the public interest to do so; and

WHEREAS, it would be in the best interest of West Windsor Township to reject all bids submitted.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that it hereby rejects all bids for the project known as RE-BID Pole Barn Garage for Fire and Emergency Services located at the West Windsor Fire and Emergency Services Station 45.

Adopted: October 28, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of October, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Historical Society of West Windsor (hereinafter referred to as the “Historical Society”), with a primary mailing address of 534 Village Road West, West Windsor, New Jersey 08550, has agreed to continue responsibility for the management of the interior buildings located at the Schenck Farm also known as 50 Southfield Road, Block 28.02, Lots 8.01 and 31.03 in West Windsor Township, Mercer County, New Jersey, commonly known as the “Schenck Farm”; and

WHEREAS, on January 25, 2016, the Historical Society entered into an MOU with the Township of West Windsor; and

WHEREAS, On October 16, 2017 the Historical Society entered into its first two (2) year extension of the original MOU dated January 25, 2016; and

WHEREAS, the Historical Society wishes to use an additional garage bay (total of two) to store historical artifacts; and

WHEREAS, the Historical Society shall continue to manage the interior of specific structures on the property known as the Farm House, Wagon House, School House, Barn and two of the three (3) garage bays; and

WHEREAS, Section V (Duration, Modification & Termination) of the existing MOU dated January 25, 2016 states that “ninety (90) days prior to the date of expiration the parties shall meet to confer for the purpose of negotiating a renewal term of the MOU. There will be four (4) two (2) year extensions with mutual consent of both parties”.

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

The Memorandum of Understanding, along with the Amendment, is hereby extended for the second, two (2) year Extension period between the Township and the Historical Society until December 31, 2021 leaving two (2) two (2) year extension periods with mutual consent of both parties to occur.

Adopted: October 28, 2019

I certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of October, 2019.

Gay M. Huber
Township Clerk
Township of West Windsor

RESOLUTION

WHEREAS, Bear Brook Homes, LLC received preliminary and final major subdivision approval (PB16-12) from the West Windsor Planning Board on April 4, 2018 adopted by Resolution of Memorialization (“Resolution”) on July 11, 2018, for the construction of a seven (7) single family dwellings and three (3) townhouses of which two (2) will be affordable units on a tract of land situate in West Windsor Township, Mercer County, New Jersey (Block 9, Lots 55 & 56); and

WHEREAS, a condition of the Resolution is that Bear Brook Homes, LLC executes a developer’s agreement (“Developer’s Agreement”) setting forth its obligation as to off-tract improvements and assessments, among other things; and

WHEREAS, such Developer’s Agreement has been prepared by Bear Brook Homes, LLC and by Counsel for the Township; and

WHEREAS, it is in the best interest of the Township to enter into the Developer’s Agreement with Bear Brook Homes, LLC to ensure that the obligations set forth therein are memorialized and met.

NOW, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Developer’s Agreement in the form attached hereto be approved and that the Mayor and the Clerk be authorized and directed to execute the same.

ADOPTED: October 28, 2019

I hereby certify this is a true copy of a Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of October, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need for repair of sidewalks throughout the Township due to lifting associated with street tree roots; and

WHEREAS, the Township of West Windsor has determined that proper repair of sidewalks will prevent unwarranted removal of street trees and/or potentially problematic cutting of street tree roots; and

WHEREAS, said contracts were put out to public bid seeking bids for this project, and said bids were opened on October 16, 2019; and

WHEREAS, the Township has received bids from the following bidders:

<u>Company</u>	<u>Total Base Bid, plus Alt.1 and 2</u>
MNC Concrete	\$ 95,880.00
Pioneer Contracting	\$140,880.00
Land Tec Const.	\$180,000.00
Diamond Const.	\$198,000.00
S. Batata Const	\$240,000.00
Seacoast Conts.	\$246,000.00

WHEREAS, the Township staff has reviewed the bids and determined that it is a responsible bid and the Base Bid and two alternates should be awarded to MNC Concrete LLC; 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:

<u>Bicycle and Pedestrian Improvements</u>	<u>405-2019-18-009</u>	<u>\$95,880.00</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township of West Windsor that the contract for the 2018 Sidewalk Repair Program be awarded to MNC Concrete LLC., 2 Beach Haven Way, Waretown, NJ 08758, and the Mayor and Clerk are authorized to execute said contract.

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

Adopted: October 28, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of October 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor (“Township”) desires to continue to maintain the most efficient and modern fire protection for the citizens of West Windsor Township and the surrounding region; and
- WHEREAS, the Princeton Junction Volunteer Fire Company #1 (“Fire Company”) has provided such services for decades, through the efforts of volunteers and financial support provided by the Township of West Windsor pursuant to N.J.S.A. 40A:14-33 and 34 as well as private donations; and
- WHEREAS, previously the past firehouse of the Princeton Junction Volunteer Fire Company #1 had been deemed to be inadequate to house appropriate modern firefighting equipment and to respond to the growing fire protection needs of the Township and the immediate region requiring the construction of a new and modern fire facility; and
- WHEREAS, in August of 2000, the Township of West Windsor agreed to construct a new firehouse for the Fire Company for a total cost not to exceed \$2.5 million; and
- WHEREAS, the Fire Company agreed to contribute Five Hundred Thousand dollars (\$500,000.00) toward the aforesaid construction costs of the new firehouse; and
- WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-15, authorizes municipalities to enter into a lease with organizations such as the Princeton Junction Volunteer Fire Company #1, for a term not to exceed Fifty (50) years; and
- WHEREAS, the Township Administration and the Fire Company negotiated such a lease that the parties executed on August 21, 2000; and
- WHEREAS, pursuant to the desire of the Fire Company, the Township, and the Fire Company wish to redefine the August 21, 2000 leasehold terms to allow for construction of a ground mounted solar array behind the Fire Company building.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey as follows:

1. That the Mayor and Clerk are authorized to execute the attached Amended Lease with the Princeton Junction Volunteer Fire Company, #1 for the premises at 245 Clarksville Road, West Windsor, New Jersey.

Adopted: October 28, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of October 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Leukemia and Lymphoma Society desires to conduct a public firework display located at Mercer County Park on November 2, 2019; and

WHEREAS, said fireworks display shall be conducted by International Fireworks Manufacturing Company, a U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms licensed Importer of Fireworks, license number 8-PA-011-24-1F-01294; 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 International Fireworks Manufacturing Company carries \$4,000,000 insurance coverage; and

WHEREAS, the Fire Marshal has communicated with the Chief of Police, and the Fire Chief of West Windsor 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.

Gay M. Huber
Township Clerk
West Windsor Township