

APPROVED: October 1, 2012

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
August 20, 2012

CALL TO ORDER: President Khanna called the meeting to order at 6:34 p.m.

STATEMENT OF ADEQUATE NOTICE

This is to advise that the notice requirement provided for in the "Open Public Meetings Act" has been satisfied. Notice of this meeting was properly given and transmitted to The Times and Princeton Packet; filed with the Clerk of the Municipality; and posted in the West Windsor Township Municipal Building at North Post and Clarksville Roads on January 6, 2012. Special notice for closed session was provided on August 15, 2012.

ATTENDEES: President: Khanna; Vice President: Geevers; Council Members: Borek, Maher, Samonte; Mayor: Hsueh (arrived at 7:03 p.m.); Business Administrator: Schmid; Township Attorney: Herbert; Township Clerk: Young

PUBLIC COMMENT

Ms. Young noted that no one from the public was in attendance for public comment.

CLOSED SESSION

Motion to go into closed session at 6:34 p.m.: Borek

Second: Maher

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

Ms. Young read the closed session resolution into the record:

Whereas, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting, and

Whereas, the Township Council of West Windsor Township has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

Whereas, the regular meeting of this Township Council will reconvene; and

Whereas, the below stated subject matter shall be made available at such time as the issues discussed therein are resolved and its disclosure would not subvert any particular exception for convening a closed session.

Now, therefore, be it resolved that the Township Council of the Township of West Windsor will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: For the discussion of potential litigation and personnel matters.

MEETING RECONVENED

Meeting reopened at 7:12 p.m.

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. Hemi Nae, 11 Wycombe Way, inquired about the status of Resolution 2012-R189A. He made comments against the amendments that were made to the resolution.

Mr. Guy Pierson, 241 Fisher Place, spoke about the graffiti on the Route One Overpass.

Mr. John Church, 11 Princeton Place, noted his concerns about the cost for the restrooms at the Schenck Farmstead.

Mr. Charles Morgan, 24 Murano Drive, spoke about the public comment restrictions that are imposed during public hearings. He advised that he is going to form a non-partisan committee to discuss township issues. Mr. Morgan outlined his concerns with the amendment to Resolution 2012-R189A.

Ms. Sandra Donovan, 20 Sapphire Drive, advised that transparency in government is the best solution. She spoke about the wording in Resolution 2012-R189A and whether the Initiative Petition should be placed on the November ballot.

Ms. Holly Kelemen, 25 Old Bear Brook Road, spoke about the utilization of the Maneely tract.

Mr. Paul Eland, 15 Coneflower Lane, noted his concerns about the moving of the community gardens to another location such as the Grover Farmstead.

Ms. Debbie Hepler, 10 Dean Court, advised that she was in favor of placing the Initiative Petition on the ballot for a vote to allow the residents to decide. She noted her concerns with the Township Attorney's recommendations to the Council.

Mr. Pete Weale, 144 Fisher Place, asked for Resolution 2012-R204 to be tabled because of the high cost for the Schenck Farmstead restrooms.

Ms. Louise Campi Carroll, 10 Providence Drive, provided an updated petition pertaining to the Grover Farmstead.

Mr. Jonathan Word, 16 Eastern Drive, advised that he is opposed to spending \$170,000 for the restrooms at the Schenck Farmstead.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh commented about the National Little League from Uganda that will be coming to the Township next week.

Ms. Schmid advised Council of the following:

- Department of Public Works will be working to remove the debris caused by the storm in July
- Illegal U-turns that are being made in the Penns Neck area due to the traffic changes on Route One
- Addressed the issues with the building on 195 Clarksville Road

COUNCIL MEMBER COMMENTS

Mr. Maher appreciated the efforts that went in to resolving the issues with the business located at 195 Clarksville Road. He inquired about a policy to be utilized in the Construction Division to keep the contractor, business owners, and the homeowners informed on the status of their permits.

Mr. Maher spoke about the complaints he has received regarding illegal U-turns off of Route One and suggested the Township prioritize storm debris pickup more effectively to keep major thoroughfares clear.

Mayor Hsueh advised that Public Works is approximately four weeks behind on storm cleanup.

Ms. Samonte explained that the Township is working with New Jersey DOT on the traffic issues surrounding the new traffic pattern on Route One. She also asked for a two-week extension for the gathering of information pertaining to the Grover Farmstead.

Council and Administration agreed to extend the deadline to October 15th for the Grover Farm Restoration Committee.

Mr. Borek spoke about the traffic changes on Route One and the issues resulting from the changes.

Ms. Geevers asked the Police Division to have some influence over the traffic issues and illegal U-turns occurring on Route One due to the change in traffic patterns.

Mr. Herbert offered suggestions regarding the Route One traffic issues and advised that NJDOT needs to provide their approval for the validity of the no U-turns signage.

CHAIR/CLERK COMMENTS

President Khanna advised that the thirty-minute public comment portion of the meeting has never been adhered to.

PUBLIC HEARING

2012-R189A Amending the Language in the Resolution that pertains to the Initiative Petition

President Khanna opened the public hearing.

Mr. Herbert spoke about the proposed settlement offered by Mr. Morgan. He provided the statutes that outline the Initiative Petition process.

Mr. Herbert advised that his legal opinion is that the petition could not be submitted to the ballot because it no longer exists because the ordinance was adopted. He advised that he consulted with the League of Municipalities' attorneys on this issue. Mr. Herbert advised that there is case law that shows that the three-minute public comment for public hearings is appropriate. He reviewed the changes that have been made to the resolution.

President Khanna commented that public comment will be extended to five minutes per individual.

Mr. Hemi Nae, 11 Wycombe Way, asked for clarification on the State statute that pertains to initiative petitions. He noted his opinion that Mr. Herbert sides with the Mayor and suggested that Council seek another opinion.

Mr. Herbert reviewed the statute for Mr. Nae.

Mr. John Church, 11 Princeton Place, commented that Mr. Herbert's statement made earlier regarding binding all future Councils was not correct. He noted that the public hearing was not noticed therefore making the action illegal. Mr. Church recommended a vote against the resolution.

Mr. David Siegel, 17 Berrien Avenue, spoke about the Council's rights and recommended the petition be sent to the County Clerk for printing on the ballot.

Mr. Jonathan Word, 16 Eastern Drive, advised that mistakes were made and suggested repealing the ordinance and placing the question on the ballot for the voters to decide.

Mr. Jim Solloway, 5 Monroe Drive, advised that the initiative was viewed as a non-partisan issue. He read the e-mail into the record from Mayor Hsueh to his constituents pertaining to the initiative ordinance.

Ms. Debbie Hepler, 10 Dean Court, wants the Initiative Petition to go to the General Election ballot. She asked how each Council Member will vote if this issue arises again in a year.

Ms. Sandra Donovan, 20 Sapphire Drive, advised that she was pleased with the adoption of Resolution 2012-R189. She noted that the attorney's word and the resolution language are not one and the same. Ms. Donovan urged Council to move forward with the existing resolution and not to adopt the amendments.

Mr. Charles Morgan, 24 Murano Drive, explained that there is no legal barrier for Council to send the petition to the County Clerk. Mr. Morgan outlined his case and reviewed the statutes to support sending the Initiative Petition to the ballot. He also spoke about the publication requirements for the ordinance.

Mr. Herbert advised that all the requirements for the petition have been met and the statutes pertaining to initiatives are not the same statutes that govern the Township code's requirements for publications.

Mr. Charles Morgan, 24 Murano Drive, asked that his documents distributed this evening be made part of the Township record. (Attachment 1 & 2)

Mr. Alvin Lerner, 67 Rainflower Lane, spoke about the Mayor winning the 2009 Municipal Election against Mr. Morgan. He noted that the cost for the litigation comes from taxpayer dollars.

Mr. John Church, 11 Princeton Place, advised that the requirements were not met; therefore making the ordinance illegal.

Mr. Allen Marx, 101 Claridge Court #4, suggested that the interaction between Council and the Mayor needs to be improved.

Motion to close public hearing: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

Mr. Maher advised that he will be voting against the amendments made in Resolution 2012-R189A. He noted his disappointment with the e-mail that the Mayor sent to his constituents regarding the Initiative Petition. Mr. Maher emphasized that this e-mail from the Mayor was not received by either Ms. Geevers or himself. He commented on the 500 signatures from residents that are on the petition that expected the initiative to be placed on the General Election ballot for a vote. Mr. Maher noted that the amendment violates the spirit of the petition.

Mr. Borek advised that Mr. Herbert's explanation was clear and will be voting to approve the amendment.

Ms. Geevers explained that she spoke to the County Clerk to get some guidance on the matter. She noted that the County Clerk referred her to a statute in Title 19.

Mr. Herbert noted that the cited statute was for a non-binding referendum and not an Initiative Petition.

Ms. Geevers asked for a written response from the County Clerk.

President Khanna advised that this ordinance will not change how Administration has been answering requests for information from Council members. He noted that he never had an issue getting a response to his concerns from Administration.

Mr. Maher informed Council that Mr. Herbert's explanation does not trump the vote on Resolution 2012-R189.

Motion to adopt Resolution 2012-R189A: Borek

Second: Samonte

RCV: aye Borek

NAY Geevers

NAY Maher

aye Samonte

aye Khanna

CONSENT AGENDA

RESOLUTIONS

2012-R175A Amending the Original Release Approval Resolution
2012-R175 for Metropolitan Communications Group for
the Release of a Performance Bond Posted for Street
Opening Permit No. 2008-18 - Alexander Road (Route 1
Ramp/Roszel Road)

2012-R198 Authorizing the Release of Inspection Escrow Balance
to Toll Brothers for the Estates of Princeton
Junction

2012-R199 Approving Appointments to the Zoning Board of Alice
Ng as Member, Fu-Grand Lin as Alternate I both to
Fill Unexpired Terms through December 31, 2013, and
Carl Van Dyke as Alternate II to Fill an Unexpired
Term through December 31, 2012

MINUTES

July 9, 2012 - Work Session
July 9, 2012 -Business Session

BILLS & CLAIMS

Motion to approve consent agenda: Borek

Second: Samonte

RCV: aye Borek
aye Geevers
aye Maher
aye Samonte
aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2012-R200 Requesting Approval for a Text and Title Change for the Recreation Opportunities for Individuals Disabilities Grant Match for 2012-\$5,020

2012-R201 Requesting Approval for the Insertion of the 2012 Recreation Opportunities for Individuals with Disabilities Grant in the 2012 Municipal Budget-\$7,500

2012-R202 Request Approval for the Insertion of the Drive Sober or Get Pulled Over 2012 Grant in the 2012 Municipal Budget-\$4,400

2012-R205 Authorizing the Mayor and Clerk to Execute a Contract with Montana Construction, Inc. for the Duck Pond Run Sewer Interceptor-Phase II Project-\$1,210,755.40

2012-R206 Requesting Mercer County Engineer's Office and Mercer County Department of Transportation and Infrastructure to Review DVRPC Recommendations for Improvements to the Intersection of Clarksville Road and North Post Road

Motion to approve: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R203 Authorizing the Mayor and Clerk to Execute a Two-Year Contract with Britton Industries, Inc. for the Disposition of Vegetative Waste for Recycling Bid-\$79,800

Mr. Maher noted that previously this service was provided at no cost. He noted that he would prefer a one-year contract.

Ms. Schmid explained the publication requirements for the bidding process.

Mr. Herbert noted that a one-year contract term was not an option.

Motion to approve: Borek

Second: Geevers

RCV: aye Borek
aye Geevers
aye Maher
aye Samonte
aye Khanna

2012-R204 Authorizing the Mayor and Clerk to Execute an Agreement with Pelka Construction Company, LLC for Schenck Farm Restroom Construction-\$170,000

Mr. Maher noted his concerns with both the cost of the work and the length of time it has taken to complete this project.

Ms. Schmid noted that the Township will be bonding for less than the anticipated costs. She reviewed the costs for the project and provided an explanation of the work being completed.

Mr. Maher asked for a business plan for the Schenck Farmstead.

Ms. Samonte inquired about a partnership agreement to allow for an entity to absorb any liability at the Schenck Farmstead.

Ms. Geevers and Mr. Borek volunteered to assist with putting together a business plan for the Farmstead.

Motion to approve: Borek

Second: Maher

RCV: aye Borek
aye Geevers
aye Maher
aye Samonte
aye Khanna

INTRODUCTION OF ORDINANCES

2012-13 TOWNSHIP OF WEST WINDSOR ORDINANCE AUTHORIZING THE
ACQUISITION OF A ROAD WIDENING AND UTILITY EASEMENT
FROM PATRICK AND JILL O'BRIEN LOCATED ON BLOCK 16.01,
LOT 13 - 27 Penn Lyle Road

Mr. Maher inquired about the need for additional acquisitions for the project.

Mr. Herbert advised that this resident owns the property up to the edge of the road unlike other residents who have granted easements on that street.

Administration will advise Council of any additional acquisitions that may be needed.

Motion to introduce: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

The Public Hearing will be held on September 4, 2012.

COUNCIL REPORTS

Ms. Geevers provided an update on the Grover Farm Restoration Committee.

ADDITIONAL PUBLIC COMMENT

Mr. Guy Pierson, 144 Fisher Place, inquired about the use of the Censoni house and other Township-owned properties.

Mr. David Siegel, 17 Berrien Avenue, spoke about the illegal U-turn being made off of Fisher Place and Harrison Street.

Mr. John Church, 11 Princeton Place, noted that the Courts are going to find that 2012-R189 was not legally noticed. He also addressed several other issues.

Ms. Debbie Hepler, 10 Dean Court, thanked Council with the exception of President Khanna for acknowledging that they would not support a change in the ordinance in the future.

Mr. Jonathan Word, 16 Eastern Drive, spoke about the Initiative Petition and Resolution 2012-R189A. He recommended sending the petition to the County Clerk for printing on the ballot to allow the voters to decide.

Mr. Pete Weale, 144 Fisher Place, spoke about the Grover Farmstead, the Schenck Farmstead, and the pickup of debris by Public Works.

Mr. Charles Morgan, 24 Murano Drive, advised that President Khanna never had to ask the Mayor the tough questions and expect an answer. He spoke about the lawsuits, settlement options, and the actions taken by the Council.

ADJOURNMENT

Motion to adjourn: Borek
Second: Samonte
VV: All approved

The meeting was adjourned at 10:31 p.m.

Sharon L. Young
Township Clerk
West Windsor Township