

APPROVED: September 8, 2014

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
August 4, 2014

CALL TO ORDER: President Maher called the meeting to order at 7:22 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 3, 2014.

ATTENDEES: President: Maher; Vice President: Geever; Council: Borek, Mendonez, Samonte; Mayor: Hsueh (left at 9:56 p.m.); Business Administrator: Schmid; Township Attorney: Herbert; Township Clerk: Young; Township Planner: Madden (left at 8:25 p.m.); Township Engineer: Guzik (9:33 p.m. - 9:45 p.m.)

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. Alvin Lerner, 67 Rainflower Lane, spoke about the Mayor's letter regarding legal services, and urged that the resolutions for Mr. Herbert and his firm be approved.

Mr. Marshall Lerner, 3 Sapphire Drive, offered comments regarding negotiations between the Township and West Windsor Citizens Rifle and Revolver Club over the language in the agreement for the purchase of the Thompson property.

Mr. Kamal Khanna, 15 Millbrook Drive, made comments in favor of the appointment of Mr. Herbert as the Township Attorney. He spoke about the process that occurred for the review of the applicants that applied for the position.

Mr. Andy Bromberg, 24 Providence Drive, addressed comments about the appointment and agreement for Mr. Herbert and his firm.

Ms. Grace Power, 77 Lillie Street, supports the appointment of Mr. Herbert as Township Attorney.

Mr. Pete Weale, 144 Fisher Place, disagrees with the appointment of Mr. Herbert and he outlined his concerns.

MAYOR/ADMINISTRATOR COMMENTS

Ms. Schmid commented on the Town Hall meeting to be held on August 16, 2014. She noted that National Night Out will be held on August 5, 2014.

COUNCIL MEMBER COMMENTS

Mr. Borek spoke about the West Windsor Girls Little League participating in the State Championship in Secaucus New Jersey.

Ms. Samonte discussed road safety and speed calming measures for the Township roads.

Ms. Geevers reported that Mr. Bartolini of the Stony Brook Regional Sewerage Authority will be giving a presentation at a future Council meeting.

CHAIR/CLERK COMMENTS

President Maher spoke about an email sent to Administration regarding the Pocket Park. He noted that he is still waiting for a response to his email. President Maher recounted an article that was printed in the West Windsor Plainsboro News which differs from the actual facts. He voiced concerns about the newspaper spreading misinformation.

President Maher elaborated on the facts that occurred during the Thompson land negotiations.

PUBLIC HEARINGS

2014-09 AN ORDINANCE AMENDING THE PRINCETON JUNCTION
REDEVELOPMENT PLAN

President Maher opened the Public Hearing.

Mr. John Madden, Maser Consulting, spoke about Block 5, Lot 19 owned by Pereira Investment Corporation which met three of the criteria for an area in need of development. He outlined the details of each of the criteria. Mr. Madden noted that the property has been in blighted conditions for many years. He noted that despite the property owner recently preparing a redevelopment plan, the Township has experienced since 2001 numerous times when the property owner walked away from its improvement obligations. Mr. Madden advised that given this history, use of eminent domain may be needed to generate cleanup and promote improvements to the site.

Ms. Alison Miller, 41 Windsor Drive, urged the adoption of the ordinance.

Mr. Marshall Lerner, 3 Sapphire Drive, suggested that the ordinance be repealed and the Township should allow the property owner to take care of the property.

Mr. Andy Bromberg, 24 Providence Drive, noted that redevelopment is working in the Township.

Mr. Alvin Lerner, 67 Rainflower Lane, commented that no one should jump to conclusions that redevelopment is a failure.

Mr. Pete Weale, 144 Fisher Place, commented that redevelopment in the Princeton Junction area would have happened regardless of the redevelopment plan. He noted that the Pereira property is a ghetto.

Mayor Hsueh affirmed that the funds spent on redevelopment are far less than what is being speculated. He noted that the Township also received State grants for the process.

Motion to close the public hearing: Borek

Second: Geevers

RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

Ms. Geevers affirmed that the property is unsightly and should be placed at the top of the Township list for cleanup. She noted that Council is going to make this a priority.

President Maher advised that the blighted condition of the property needs to stop. He urged the owner to take responsibility for the property and have it cleaned up.

Motion to adopt: Geevers

Second: Borek

RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

2014-12 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR VARIOUS
CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR
FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER,
STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF
\$550,000

President Maher opened the Public Hearing.

Motion to close the public hearing: Borek

Second: Mendonez

RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

Motion to adopt: Borek
Second: Samonte
RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

2014-13 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST WINDSOR,
IN THE COUNTY OF MERCER, NEW JERSEY APPROPRIATING
\$3,756,900 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$3,578,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE
PART OF THE COST THEREOF

President Maher opened the Public Hearing.

Mr. Marshall Lerner, 3 Sapphire Drive, inquired about the projects that were authorized and bonded, but never acted upon. He asked if the funds can be redirected to another project.

Mr. Pete Weale, 144 Fisher Place, asked that the agenda packet disclose where the funds are being directed to.

President Maher explained that Council asked Administration to analyze funds that could be redirected to other projects. He summarized that Council needs to decide what funds to use and what project to redirect the money to. President Maher also spoke about the open space tax funds.

Motion to close the public hearing: Borek
Second: Geevers
RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

Motion to adopt: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

2014-14 BOND ORDINANCE PROVIDNG FOR IMPROVEMENTS TO THE SWIMMING POOL COMPLEX IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

President Maher opened the Public Hearing.

Motion to close the public hearing: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

Motion to adopt: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

2014-15 AN ORDINANCE AMENDING CHAPTER 165 "TAXICABS AND VEHICLES FOR HIRE" AND CHAPTER 82 "FEES" OF THE REVISED GENERAL ORDINANCES OF WEST WINDSOR TOWNSHIP

President Maher opened the Public Hearing.

Motion to close the public hearing: Borek

Second: Samonte

RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

Motion to adopt: Borek

Second: Samonte

RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

CONSENT AGENDA

RESOLUTIONS

2014-R154 Authorizing the Refund of Overpaid Property Taxes

MINUTES

June 9, 2014 - Business Session
June 9, 2014 - Work Session - as amended
June 23, 2014 - Closed Session
June 23, 2014 - Business Session - as amended

BILLS & CLAIMS

Motion to approve the consent agenda: Mendonez

Second: Samonte

RCV: aye Borek, abstained from 6/23 meeting minutes
aye Geevers
aye Mendonez
aye Samonte
aye Maher

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2014-R155 Establishing the West Windsor Township Sewer Rate for 2014

2014-R156 Authorizing the Reimbursement of Refuse, Recycling and Snow Removal Costs for Canal Pointe Condominium Association, Colonnade Point Homeowners Association, The Village Grande at Bear Creek Homeowners Association, Princeton Greens HOA, WestWinds Homeowners Association, Windsor Haven Homeowners Association, Windsor Ponds Homeowners Association, and the Elements at West Windsor Homeowners Association for 2013 - \$133,246.47

2014-R157 Authorizing the Reimbursement of Solid Waste Collection Costs for Avalon Watch Communities; Windsor Woods Luxury Apartments, and The Mews at Princeton Junction 2013 - \$250,303.58

2014-R158 Authorizing the Mayor and Clerk to Execute the Renewal of a Memorandum of Understanding with the City of Trenton to Provide Case Management Services to Lead-Burdened Children within the Jurisdiction Covered by the West Windsor Township Division of Health

2014-R159 Authorizing the Mayor and Clerk to Execute a Shared Services Agreement with the Montgomery Township Health Department for Health Education Services through December 31, 2015 - \$23,000.00

2014-R160 Authorizing the Place-to-Place Transfer of Princeton Market d/b/a McCaffrey's Wine and Spirits Liquor License# 1113-44-004-010

2014-R163 Approving the Trade In of 2002 Ford Crown Victoria, 2010 Ford Crown Victoria, Two 2011 Ford Crown Victoria, and a 2000 Ford Explorer to Apply Trade In Value to Bid Documents for the Purchase of Three New 2015 Police Vehicles

- 2014-R164 Authorizing the Business Administrator to Execute Change Order No. 1 with TLG Signs, Inc., T/A Fastsigns which Represents an Increase for the Project Graphics Production and Delivery for the West Windsor Environmental Education Exhibition for final Quantities and Project Closeout - \$786.34
- 2014-R165 Authorizing the Business Administrator to Execute Change Order No. 1 with Carr & Duff, Inc. which Represents a Decrease (36.02%), for Final Quantities and Project Closeout for the Project Known as Traffic Signal Upgrades - Alexander Road & Bear Brook Road/Vaughn Drive - (-\$21,325.00)
- 2014-R166 Granting an Extension of Time for Reservation of Sewer Capacity for the Project known as Princeton Junction Commons (PB-88-27)
- 2014-R167 Authorizing the Chief Financial Officer to Disburse Monies Collected Pursuant to West Windsor Code Section 200-89 for the Delaware & Raritan Canal/Duck Pond Run Interceptor Sewer District to Various Developers - \$146,225.00
- 2014-R168 Granting the Request from Martian Holdings LLC for a Full Release of Performance Guarantees for Private Site Improvements for Grovers Mill Barn/Martian Holdings (ZB10-02)
- 2014-R169 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with BANC3, Inc. to Provide Administration and Construction Observation Services for the Project Known as Emmons Drive Reconstruction - \$9,420.00
- 2014-R171 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Roberts Engineering Group, LLC to Provide Engineering and Surveying Design Services for the Project Known as Proposed Community Park Cricket Pitch and Field - \$12,950.00

2014-R172 Authorizing the Mayor and Clerk to Execute a Contract Amendment No. 1 with Remington, Vernick and Arango Engineers which Represents an Increase for Supplemental Construction Administration and Observation Work for the Project known as Alexander Road Improvements and Old Bear Brook Closure - \$5,970.00

2014-R173 Authorizing the Business Administrator to Execute Change Order No. 1 with Black Rock Enterprises for Supplemental Work for the Alexander Road Improvement and Old Bear Brook Road Closure Project - \$42,455.00

Motion to approve Resolutions 2014-R155 through 2014-R160, 2014-R163 through 2014-R169 and 2014-R171 through 2014-R173: Borek
Second: Mendonez

RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

2014-R161 Appointment of Michael W. Herbert to Serve as Township Attorney

Ms. Geevers spoke about the events resulting in the Township decision to go out for Request for Proposals for legal services. She outlined the process for reviewing the proposals in a statement that she read into the record. Ms. Geevers advised that it would have been prudent to have more residents on the review committee instead of the Township Departments heads. She reaffirmed that it is best to have change in legal representation to allow for new perspectives. Ms. Geevers informed Administration and the public that she was not in favor of the reappointment.

Mr. Borek advised that there was a process in place to support the Mayor's recommendation.

Ms. Samonte explained that the Township Attorney is a statutory appointment of the Mayor. She noted that this recommendation is a win-win for West Windsor residents because Mr. Herbert reduced his fees by 9%.

Mr. Mendonez appreciated the Request for Proposals process. He advised that he will stick to his "true north".

President Maher spoke about the review committee that was selected by the Mayor, and the need for more residents to have been on the panel. He explained that it was made up of mostly Department heads who work with Mr. Herbert. President Maher addressed a potential conflict of interest because Mr. Herbert also works for the County Freeholders. He outlined several concerns with Mr. Herbert's holding the position as Township Attorney.

Discussion ensued over the invoices submitted by Mr. Herbert's firm, payment of the invoices, and the professional services agreement.

Motion to approve: Borek

Second: Samonte

RCV: aye Borek

NAY Geevers

NAY Mendonez

aye Samonte

NAY Maher

2014-R162 Authorizing Professional Services Agreement with Herbert, Van Ness, Cayci & Goodell for Legal Services for the Township - \$210,010.00

The resolution and the agreement were pulled from consideration.

2014-R170 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering Associates to Provide Administration and Construction Observation Services for the Project Known as Annual Road Improvement Project - \$31,134.00

Ms. Geevers addressed questions about the number of hours listed in the agreement, and the bids submitted by the top two bidders.

President Maher also addressed questions and asked if the Township Engineer could address some of the concerns that have been brought to Administration's attention.

Mr. Guzik advised that the firm was conservative when quoting the number of hours needed for field time. He noted that the engineer may not always be aware of the issues that they could run into on a project. Mr. Guzik noted that he would prefer to have a "cushion" when it comes to the amount of project hours that a estimated.

Council addressed questions and discussion ensued.

Motion to approve: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

2014-R174 Opposing the Passage of A-947/S-2216 which would Require Municipalities, Counties and Local Authorities to Release Bidders Names Prior to the Opening of Bids

Mr. Borek explained that he is not opposed to releasing the bidders' names prior to the opening of the bid.

Ms. Geevers advised that it could discourage bidder participation. She outlined her reasons.

Ms. Samonte spoke about possible bid rigging.

President Maher warned of the potential for collusion if bidders' names are released.

Motion to approve: Geevers

Second: Mendonez

RCV: Borek, abstained

aye Geevers

aye Mendonez

aye Samonte

aye Maher

INTRODUCTION OF ORDINANCES

2014-16 AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY PERMITTING COMMERCIAL RECREATION FACILITIES IN CERTAIN RESEARCH OFFICE MANUFACTURING ZONES

Motion to introduce: Geevers

Second: Borek

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

2014-17 AUTHORIZING THE ACQUISITION OF A SIDEWALK EASEMENT FROM MKNDC, LLC LOCATED AT BLOCK 10, LOT 33 - 880 Alexander Road

Motion to introduce: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, spoke about the COAH presentation that was given in Hopewell Township.

Ms. Alison Miller, 41 Windsor Drive, recommended that the minutes from the last Affordable Housing Committee meeting be distributed to Council once the Committee approves them. She spoke about a committee of volunteers which reviews proposed legislation.

Mr. Paul Eland, 15 Coneflower Lane, noted that he was disappointed that Mr. Herbert was not appointed as the Township Attorney.

President Maher spoke about the concerns he had with Mr. Herbert's services.

Mr. Herbert addressed President Maher's concerns including the potential conflict of interest.

Mr. Andy Bromberg, 24 Providence Drive, noted his dissatisfaction in not having Mr. Herbert reappointed as the Township Attorney.

Discussion ensued between President Maher and Ms. Samonte about parliamentary procedures and the public's right to speak at a meeting.

Mr. Marshall Lerner, 3 Sapphire Drive, spoke about an adverse experience in dealing with Mr. Herbert at a prior Council meeting.

Mr. Alvin Lerner, 67 Rainflower Lane, commented on the Township's loss at not having Mr. Herbert appointed.

Ms. Grace Power, 77 Lillie Street, advised that she is a new resident, and spoke about the politics that are being played at the Council meeting.

Mr. Pete Weale, 144 Fisher Place, noted that the Mayor has left early, and spoke about the Township's practice of handling contracts.

COUNCIL REPORTS/DISCUSSION TOPICS/NEW BUSINESS

Mr. Mendonez advised that he will seek an official response from the School Board on what their current understandings are regarding the presentations they have been given by the Howard Hughes Corporation.

President Maher noted that the Howard Hughes Corporation asked to give a presentation to Council at an upcoming meeting.

Ms. Geevers and Ms. Samonte informed Council of their concerns with having the presentation prior to the project being reviewed by the Planning Board.

President Maher asked for a consensus on whether Council should consider having Howard Hughes Corporation come to a meeting to give a presentation.

Discussion ensued over the handling of the presentation.

ADJOURNMENT

Motion to adjourn: Mendonez

Second: Borek

VV: All approved

The meeting was adjourned at 10:06 p.m.

Sharon L. Young
Township Clerk
West Windsor Township