

APPROVED: October 6, 2008

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
August 4, 2008

CALL TO ORDER: President Morgan called the meeting to order at 5:30 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 July 4, 2008 and the Closed Session was noticed on July 16, 2008.

ATTENDEES: President: Morgan; Vice President: Kleinman; Council: Anklowitz, Geevers, Borek (arrived at 6:30 p.m.); Mayor Hsueh; Township Attorney: Herbert; Business Administrator: Marion; Planning Board Attorney: Muller (left at 8:30 p.m.); Chief Financial Officer: Louth; Township Clerk: Young

PUBLIC COMMENT

None

CLOSED SESSION

Motion to go into closed session at 5:30 p.m.: Kleinman
Second: Anklowitz
VV: all ayes - Borek absent

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

WHEREAS, the 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 Brookline and Akselrad Litigation.

MEETING RECONVENED

The closed session adjourned and the meeting reopened at 7:00 p.m.

PUBLIC COMMENT

Ms. Jennifer Mahan, 195 Varsity Avenue, advised that the South Penns Neck resident held a meeting with regard to redevelopment. She highlighted the outcome of the meeting.

Mr. Michael Rannallo, 15 Cornwall Avenue, spoke about the need for a referendum with regard to redevelopment.

Mr. Andrew Blelloch, 281 Clarksville Road, spoke about redevelopment and the selection of a redevelopment attorney for the project.

Mr. Paul Eland, 15 Coneflower Lane, wanted an update on the redevelopment project.

Ms. Jennie Bartell, 5 Fieldstone Road, encouraged Council to move forward with the redevelopment project.

Mr. Pete Weale, 144 Fisher Place, spoke about the need for resolutions to include the costs for a contract. He also spoke in favor of a redevelopment referendum.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Discussion of COAH Third Round Rules

Mr. Muller outlined the details of the Affordable Housing Committee and Council resolutions provided to Council.

ORDER OF AGENDA AMENDED

Mr. Anklowitz asked to amend the agenda to add the reappointment of Jen Ping Wang to the Affordable Housing Committee to allow her to participate in the COAH discussions.

2008-R209 Authorizing the Reappointment of Jen Ping Wang to the Affordable Housing Committee with a Term to Expire June 30, 2011

Motion to approve: Anklowitz
Second: Geevers
RCV: aye Anklowitz
 aye Borek
 aye Geevers
 aye Kleinman
 aye Morgan

ORDER OF AGENDA RESUMED

Discussion of COAH Third Round Rules (Cont'd)

Mr. Muller noted the changes that were made in the Council resolution since the meeting with the Township Council and the Affordable Housing Committee. He explained that due to the form of government in West Windsor Township a joint resolution with the Mayor and Council was not required.

President Morgan suggested that the Mayor prepare a proclamation and then send the resolutions and proclamation to COAH under one cover letter from the Council President.

Ms. Cohen, Chair of the Affordable Housing Committee, advised that she would like some additional time to review the amendments made to the resolutions. She noted that the updated version appears to be greatly improved.

Mr. Anklowitz noted that he supports the resolution before Council tonight.

Ms. Geevers noted that the fiscal impacts of the new COAH regulations are important to understand and to allow support for sound planning.

Mr. Borek advised that the regulations have an adverse impact on the Township. He noted that COAH should have had additional discussions before the burden of the new regulations was passed down to the taxpayer.

President Morgan offered language changes to the resolution to provide additional clarification.

Mr. Anklowitz made a motion to assign a number to the resolution and moved it for approval.

2008-R210 Urging COAH to Develop Regulations that Facilitate the Ability of Municipalities to Meet Reasonable Fair Share Goals in Accordance with Principles of Sound Planning and Fiscal Responsibility.

Motion to approve as amended: Anklowitz

Second: Geevers

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

MAYOR/ADMINISTRATION COMMENTS

Mr. Marion noted that "National Night Out" would be held on August 5th at the Community Pool. He also asked to have two additional appointments added to the consent agenda and requested the Hillier invoice be deferred from approval until after the RMJM Hillier contract was discussed and approved later this evening.

Mayor Hsueh asked to add the professional services agreement for McManimon and Scotland to the agenda.

Ms. Louth outlined the projects that would be affected without the approval of Bond Counsel. She noted the importance of having proper Bond Counsel representation.

Motion to approve to add the appointments to the consent agenda, defer the Hillier voucher, and add the McManimon Professional Services Agreement to the agenda: Geevers

Second: Kleinman

RCV: Anklowitz - not present*

aye Borek

aye Geevers

aye Kleinman

aye Morgan

*Mr. Anklowitz was attending the Affordable Housing Committee meeting convened at the same time as the Council Business Session.

CHAIR/CLERK COMMENTS

President Morgan spoke of the revisions to the redevelopment timeline.

PUBLIC HEARINGS

2008-17 ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THEREOF - Municipal Judge, Township Prosecutor, Municipal Public Defender and Program Coordinator

President Morgan opened the public hearing for ordinance 2008-17.

Mr. Pete Weale, 144 Fisher Place, spoke about clarifying which Township department would be utilizing the Program Coordinator.

Mr. Marion noted that new positions are reviewed during budget discussions so that Council is aware of any staffing changes. He noted that the position of Program Coordinator was for the Division of Recreation.

Motion to close public hearing: Kleinman

Second: Geevers

RCV: Anklowitz - not present*

aye Borek

aye Geevers

aye Kleinman

aye Morgan

*Mr. Anklowitz was attending the Affordable Housing Committee meeting convened at the same time as the Council Business Session.

Motion to adopt: Kleinman

Second: Geevers

RCV: Anklowitz - not present*

aye Borek

aye Geevers

aye Kleinman

aye Morgan

*Mr. Anklowitz was attending the Affordable Housing Committee meeting convened at the same time as the Council Business Session.

CONSENT AGENDA

RESOLUTIONS

2008-R184 Authorizing the Cancellation of a Capital Authorization

2008-R185 Authorizing the Reappointment of Vidya Sundararaman to the Cable TV Advisory Board with a Term to Expire June 30, 2011

2008-R186 Authorizing the Reappointment of Drewe Schoenholtz as Advisor to the Shade Tree Commission with a Term to Expire June 30, 2009

2008-R211 Authorizing the Reappointment of Dwayne Brath to the Affordable Housing Committee with a Term to Expire June 30, 2011

2008-R212 Authorizing the Reappointment of George Martch to the Cable TV Advisory Board with a Term to Expire June 30, 2011

Minutes

June 9, 2008 - Business Session
June 9, 2008 - Agenda Session
July 1, 2008 - Reorganization Meeting as amended

Bills & Claims

Motion to approve consent agenda as amended: Kleinman
Second: Geevers
RCV: Anklowitz - not present*
aye Borek
aye Geevers
aye Kleinman
aye Morgan

*Mr. Anklowitz was attending the Affordable Housing Committee meeting convened at the same time as the Council Business Session.

RECOMMENDATIONS FROM DEPARTMENT HEADS AND OR DIVISION MANAGERS

ADMINISTRATION

Mr. Marion outlined the following resolutions listed on the agenda.

2008-R187 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Reappointment of Sockler Realty Services Group, Inc. for Various Valuation Analyses for Tax Appeal Defense for the Period of January 1, 2008 through June 30, 2008

2008-R188 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Reappointment of Sockler Realty Services Group, Inc. for Various Valuation Analyses for Tax Appeal Defense for the Period of July 1, 2008 through June 30, 2009

2008-R189 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Reappointment of Phoenix Advisors, LLC as Financial Advisor to be Retained through June 30, 2009

2008-R191 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Reappointment of William E. Antonides, CPA, RMA, as Municipal Auditor to be Retained through June 20, 2009

2008-R192 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Ruderman and Glickman P.C. for Labor Counsel and Related Legal Services from July 1, 2008 through June 30, 2009

2008-R193 Authorizing the Mayor and Clerk to Execute an Amendment to the Municipal Services Agreement with Canal Pointe Condominium Association for the Reimbursement of Snow Removal Costs for the Years 2004 through 2006

2008-R194 Authorizing the Mayor and Clerk to Execute the Agreements with Various Condominium Associations for Reimbursement of Recycling Collection and Disposal and Snow Removal Costs for the Years 2006 and 2007

COMMUNITY DEVELOPMENT

2008-R196 Authorizing the Mayor and Clerk to Execute the Contract with Orchard Holdings, LLC for the Vaughn Drive/Bear Brook Road & Alexander Road Intersection Improvements

2008-R197 Endorsing a One-Year Extension Request of the Treatment Works Approval Permit for the Project Known as 300 Carnegie Center - PB05-05

2008-R198 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers for the Project Known as Storm Sewer Outfall Survey

2008-R199 Approving Submission of an Electronic Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the South Post Road Bikeway Improvements Project

2008-R200 Approving Submission of an Electronic Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Penn Lyle Road - Phase II Improvements Project

2008-R201 Approving Submission of an Electronic Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Wallace Road and Wallace Circle Safety Improvements Program

2008-R202 Authorizing the Mayor and the Clerk to Execute a Developer's Agreement with Schlumberger Technology Corporation

2008-R203 Authorizing the Mayor and the Clerk to Execute a Developer's Agreement with Gulino Corporation LLC

LAW

2008-R204 Authorizing the Mayor and Clerk to Execute a Rights-of-Way Use Agreement with AboveNet Communications, Inc.

PUBLIC SAFETY

2008-R205 Authorizing the Mayor and Clerk to Execute a Contract with L-3 Communications Mobile-Vision, Inc. for providing a Mobile Digital Video System for the Township of West Windsor Police Department

PUBLIC WORKS

2008-R207 Authorizing the Mayor and Clerk to Execute a Contract with Turf Equipment & Supply Co., LLC for the Purchase of a 2008 or Newer 192" Cutting Width 4WD Riding Mower for the Department of Public Works

2008-R208 Authorizing the Mayor and Clerk to Execute a Contract with Harter Equipment, Inc., for the Purchase of a 2008 or Newer 72" Side Discharge Riding Mower for the Department of Public Works

2008-R190 Authorizing the Mayor and Clerk to Execute a Contract with Bucks County International, Inc. for the Purchase of a 2008 or Newer 25 Cubic Yard Compactor Truck with Plow for the Department of Public Works

Motion to approve resolutions 2008-R187 through R194, 2008-R196 through R205, 2008-R207, 2008-R208: Geevers

Second: Kleinman

RCV: aye Anklowitz
aye Borek
aye Geevers
aye Kleinman
aye Morgan

2008-R182 Ratifying the Modifications to the RMJM Hillier Contract and Authorizing the Mayor and Clerk to sign the Modified Agreement

Motion to approve as amended: Kleinman

Second: Borek

RCV: aye Anklowitz
aye Borek
Geevers - abstained
aye Kleinman
aye Morgan

Motion to approve the Hillier voucher listed on the Bills and Claims subject to the condition that check will not be released for payment until Hillier finds the amendment to the resolution favorable: Anklowitz

Second: Borek

RCV: aye Anklowitz
aye Borek
aye Geevers
aye Kleinman
aye Morgan

2008-R195 Authorizing the Mayor and Clerk to Execute a Contract with Arnold's Roads, Inc. for the 2008 Sidewalk Repair Program

Mr. Anklowitz asked if the contract covered repairs to Garnett Lane.

Mr. Marion confirmed that the repairs were covered.

Motion to approve: Anklowitz

Second: Kleinman

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

2008-R206 Authorizing the Mayor and Clerk to Execute a Two-Year Agreement with Britton Industries for Acceptance and the Disposal of all Brush and Leaves for the Period of September 1, 2008 through August 31, 2010

Ms. Kleinman inquired about the residents' ability to purchase mulch from Britton Industries.

Mr. Marion noted that service would not be provided.

Motion to approve: Kleinman

Second: Anklowitz

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

2008-R213 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with McManimon and Scotland for Bond Counsel from July 1, 2008 through June 30, 2009

Mr. Morgan inquired about any increase to the 2008-2009 professional services agreement.

Ms. Louth noted that no increase was incorporated into the agreement.

Ms. Geevers reviewed favorable comments about Mr. McManimon and his firm.

Mr. Anklowitz spoke about the publication in the Trenton Times that referenced McManimon and Scotland firm.

Ms. Louth confirmed that the issues discussed in the Trenton Times report did not affect West Windsor Township.

Motion to approve: Geevers

Second: Kleinman

RCV: NAY Anklowitz

aye Borek

aye Geevers

aye Kleinman

NAY Morgan

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

Transit Village Referendum Resolution

Mr. Anklowitz supports the referendum for placement on the November Ballot to help Council understand what the residents want to see in a transit village.

Ms. Geevers offered suggestions for the specific language changes associated with the cost of the project. She noted that the Township does not have a final plan which would be needed to better understand the costs associated with the redevelopment.

President Morgan was concerned with the wording of the resolution not including aspects such as the scope and scale of the project, the Vaughn Drive connector, or parking for the train station. He noted that development will happen on this property and it is the responsibility of the Township to take control and manage the process.

Ms. Kleinman noted that the referendum minimized the information and did not balance the facts to produce the best possible plan. She advised that NJ Transit and NJDOT are engaging in good conversation with the Township.

Mr. Anklowitz noted that the questions in the referendum mirror the referendum given to Council by NJDOT. He noted that the opinions of the public need to be heard.

Mayor Hsueh noted that the redevelopment project needs to be managed and the Township needs the support of the State.

Mr. Anklowitz made a motion to approve the referendum resolution.

No one from Council motioned for a second; therefore the resolution was tabled.

Council's Redevelopment Action Items during 2007 and 2008

Council Members discussed the necessity of tracking action items related to the redevelopment process.

Mr. Morgan noted that it was valuable to keep all players informed, and asked anyone who had comments or suggestions to forward them to either Ms. Kleinman or himself.

Ms. Geevers suggested that the list be placed on the Township website.

Township Sign Ordinance

A brief update on the sign ordinance was provided by Administration.

Ms. Kleinman inquired about the inclusion of the signs for commercial spaces that are posted along Alexander Road.

Mr. Marion noted that these signs were not included in the revisions and, based upon the funds available in the budget, this issue may or may not be reviewed before year end.

Ms. Kleinman noted her disappointment that these type of large signs were not included in the overall review and update of the Township's sign ordinance.

Travel Expenses/Policies and Reimbursements

President Morgan explained that the Council should craft a document and adopt a general reimbursement policy. He asked Council Members to send their suggestions to either Ms. Geevers or himself so that they can begin working on a draft policy.

Because of the late hour of the meeting President Morgan asked that the remaining discussion topics be deferred until the next agenda session on September 2, 2008.

All the other Members of Council agreed to defer the following topics: Council Town Hall Meetings, Post Office Hours, Township Council Meeting follow-up, Topics for Future Agenda Sessions, and Discussion of Redevelopment Attorney and Bond Counsel.

COUNCIL REPORTS/COMMENTS

Mr. Anklowitz noted that the Affordable Housing Committee adopted the same COAH resolution at their meeting held this evening.

Mr. Borek advised that he attended a meeting with Senator Holt to discuss homeland security as it relates to the train station and a transit village. He noted that there will be continued dialogue.

Ms. Kleinman noted that she was receiving a lot of support for the GroWW Environmental Education Fair and she appreciated everyone's efforts.

ADDITIONAL PUBLIC COMMENT

Mr. Pete Weale, 144 Fisher Place, outlined his various opinions regarding redevelopment. He inquired about the financial impact of the project and urged the need for a redevelopment referendum.

ADJOURNMENT

Motion to adjourn: Anklowitz

Second: Geevers

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

The meeting was adjourned at 10:28 p.m.

Sharon L. Young
Township Clerk
West Windsor Township