

APPROVED AS AMENDED: September 2, 2008

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
MAY 19, 2008

CALL TO ORDER: President Anklowitz called the meeting to order at 6:00 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 6, 2007 and the Closed Session was noticed on May 15, 2008.

ATTENDEES: President: Anklowitz; Vice President: Borek; Council: Geever, Kleinman, Morgan; Township Attorney: Herbert; Planning Board Attorney: Muller; Business Administrator: Marion; Chief Financial Officer: Louth; Deputy Township Clerk: Huber

CLOSED SESSION I

Motion to go into closed session at 6:01 p.m.: Morgan
Second: Geever
VV: All approved.

Ms. Huber 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 Open Space Acquisition, update on Hillier Contract negotiations, and update on Akselrad litigation

MEETING RECONVENED

The closed session adjourned and the meeting reopened at 6:59 p.m.

PUBLIC COMMENT

Mr. Robert Johnson, 50 Van Wyck Drive, voiced his opposition to Resolution 2008-R129 which would require all contractors to meet certain fair and equal labor standards.

Mr. Stan Katz, 7 Rumford Way, voiced his opposition to resolution 2008-R129. He noted that the residents will pay a higher price if this resolution is passed.

Mr. Andrew Bromberg, 24 Providence Drive, voiced his comments on redevelopment and the proposed salary increases for Council Members. He also noted his opposition to resolution 2008-R129 as written.

Mr. Paul Eland, 15 Coneflower Lane, voiced his opposition to the proposed salary increases, resolution 2008-R129, and advised that the redevelopment process has cost a lot because there is no plan to date.

Mr. Al Lerner, 67 Rainflower Lane, voiced his opposition to resolution 2008-R129. He noted that the pay increase is a small issue and the redevelopment plan is a larger issue.

Mr. Pete Weale, 144 Fisher Place, advised that he has collected 300 signatures to date for a petition opposing the increase to the Council's salaries. He inquired about the status of the community garden and the commuter shuttle service. He voiced his opinion on how Administration and Council are handling issues.

Mr. David Brienza, 18 Taunton Court, voiced his opposition to resolution 2008-R129 and ordinances 2008-07 and 2008-09.

Mr. Paul Pitluk, 69 Rainflower Lane, voiced his opinion on the salary increases for the Council.

Ms. Ina Marx, 101 Claridge Court, voiced her opposition to ordinance 2008-09.

Mr. Marvin Gardner, 61 Coneflower Lane, advised that he was invited to lunch by Mr. Morgan and did not think Mr. Morgan would submit the lunch bill for reimbursement. He noted he is submitting his personal check to Administration for his part of the meal. He voiced his opposition to the raises.

Mr. Michael Persad, 31 Nassau Place, advised that he moved into the Township seven to eight years ago and would like to see an aggressive movement for the redevelopment plan.

Mr. Michael Ranallo, Cornwall Court, thanked everyone who signed the petition against the proposed salary increases for Council and the Mayor, and noted he is confident they will get enough signatures to place it on the ballot in November.

CHAIR/CLERK COMMENTS

President Anklowitz advised that the water bills at The Mews at The Estates at Princeton Junction include both water and sewer charges.

PUBLIC HEARINGS

2008-07 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS (COLA) OF 3.5 PERCENT AND TO ESTABLISH A CAP BANK

President Anklowitz opened the public hearing for ordinance 2008-07.

Motion to close public hearing: Morgan

Second: Kleinman

RCV: aye Borek

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

Motion to adopt: Borek
Second: Morgan
RCV: aye Borek
aye Geever
aye Kleinman
aye Morgan
aye Anklowitz

2008 MUNICIPAL BUDGET HEARING

Mr. Marion gave a brief overview of the 2008 budget. He advised that Ms. Louth, the Chief Financial Officer, will give a presentation of the budget to Council and residents this evening. Mr. Marion noted that the tax rate for 2008 is 31.4 cents per \$100, which is a 3.4 cent increase over 2007.

Ms. Louth conducted the PowerPoint presentation for the 2008 Municipal Budget. She stressed the importance of maintaining the surplus balance to help maintain future tax rates.

PUBLIC COMMENT

Mr. David Brienza, 18 Taunton Court, inquired why operating expenses increased over ten percent this year over last year.

Ms. Louth advised that the overall budget increased 7.4%.

Mr. Pete Weale, 144 Fisher Place suggested that the Township purchase a new projection system for Room A.

Mr. Ed O'Mara, 28 Grande Blvd., inquired as to what impact the Capital Budget has on the reserve and the Township's AAA rating.

Ms. Louth advised that the five percent funding for the Capital Budget is within the 2008 Operating Budget. She noted the surplus fund will not sustain itself and that the Township must continue to review ways to continue to replenish the surplus. Ms. Louth advised that the Township must also stay within the budget caps mandated by the State.

Mr. Marion reviewed the budget process and noted that Council has held several meetings reviewing each department's budget. He advised that this is the final step in a long process. Mr. Marion noted that the budget documents are available in the Clerk's office for review and that he is available to address questions as necessary.

Mr. David Brienza, 18 Taunton Court, commented on the presentation and document presentation.

Mr. Antonides, Township Auditor, advised that the fund balance is reviewed by the State each year.

Mr. Andrew Blelloch, 281 Clarksville Road, inquired about how using the surplus affects the Township's bond rating.

Mr. Antonides advised that the State is looking for the Township to keep the same trend of surplus use.

Mr. Al Lerner, 67 Rainflower Lane, asked how the following issues affected the West Windsor taxpayer: interest rates continuing to fall, receiving the AAA rating, and refinancing to reduce debt.

Ms. Louth advised that due to the AAA bond rating the Township was able to refinance bonds earlier this year thereby saving the taxpayers \$680,000 over the life of the bonds.

Mr. Al Lerner, 67 Rainflower Lane, inquired how this saving shows up in subsequent budgets.

Ms. Louth advised that less debt will be paid out each year for the next 19 years. She noted that the Township would not have received this if not for the AAA bond rating.

Mr. Bob Akens, 32 Windsor Drive, voiced his displeasure with the proposed budget increase and not using additional surplus to reduce the tax rate.

Mr. Pete Weale, 144 Fisher Place, noted that the presentation handout should have been printed double sided. He voiced his opinion on the proposed budget and the total Township debt.

Mr. Morgan advised that he has spoken about the cash surplus, and noted he cannot support the budget this year. He requested an additional penny reduction in the rate.

Ms. Geevers inquired as to what effect using additional surplus this year would have on future budgets.

Ms. Louth advised that the budget went up because of specific criteria of the revaluation and noted that it was impossible to predict who is going to generate fees, which interest rates are half of last year, and what large construction fees will not come in this year. She noted that her job is to stabilize taxes, have a sufficient amount of surplus for the long term, and continue stability of the budget to maintain ratings.

Mayor Hsueh voiced his support of the budget.

Ms. Geevers advised that the Township needs to continue with long term planning, capital improvement program, and develop more shared services opportunities.

Mr. Borek advised that Council does not want to increase taxes, but residents have voiced concerns with having their services cut too. Mr. Borek noted several issues with the 2009 Budget.

Ms. Kleinman advised that discussion about the amount of surplus to use was a big part of the budget process this year. She noted that the meetings with the various Departments are invaluable. Ms. Kleinman noted that she respects Ms. Louth's approach for maintaining stable budgets for the future and that she supports the recommendation of Administration to keep the appropriate amount of surplus to use for 2008.

President Anklowitz advised that he went through the budget and recommends various line items totaling \$120,000 be reduced. He noted that more work is needed and that this budget has been reduced from when it was first presented to Council.

Motion to approve the 2008 Municipal Budget: Kleinman

Second: Borek

RCV: aye Borek

aye Geevers

aye Kleinman

NAY Morgan

aye Anklowitz

2008-08 AN ORDINANCE TO SUPPLEMENT THE CODE OF WEST WINDSOR
TOWNSHIP PART I "ADMINISTRATIVE LEGISLATION", CHAPTER
1: "GENERAL PROVISIONS", ARTICLE II "PENALTY"

President Anklowitz opened the public hearing.

Mr. Herbert advised that this ordinance increases the maximum penalty fee that our Municipal Judge can impose from \$1,250.00 to \$2,000.00.

Mr. Andrew Blelloch, 281 Clarksville Road, inquired what the penalty would be for.

Mr. Herbert advised that this penalty is used for violations of Municipal Code where there is no specific penalty to be imposed.

Motion to close public hearing: Morgan

Second: Borek

RCV: aye Borek

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

Motion to adopt: Morgan

Second: Geevers

RCV: aye Borek

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

2008-09 AN ORDINANCE PROVIDING FOR FUTURE SALARY ADJUSTMENTS
FOR THE MAYOR AND COUNCIL

President Anklowitz opened the public hearing.

Motion to close public hearing: Morgan

Second: Borek

RCV: aye Borek

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

Ms. Geevers voiced her opposition to the salary increases. Ms. Geevers advised that these raises will add additional expenses to payroll and that there needs to be a policy for reimbursements for the Council.

Motion to adopt: Morgan

Second: Kleinman

RCV: aye Borek

NAY Geevers

aye Kleinman

aye Morgan

aye Anklowitz

CONSENT AGENDA

RESOLUTIONS

2008-R115 Authorizing the Refund of Overpaid Property Taxes

2008-R116 Authorizing the Mayor and Clerk to Execute an
Easement Modification Agreement to Permit the
Construction of a Fence Across a Drainage Easement -
14 Wynwood Drive

2008-R117 Authorizing the Mayor and Clerk to Execute an
Easement Modification Agreement to Permit the
Construction of a Fence Across a Drainage Easement
and the Extension of the Driveway - 9 Stonelea Drive

MINUTES

March 10, 2008 - Agenda Session as amended
March 18, 2008 - Budget Work Session #4
March 31, 2008 - Special Session as amended
March 31, 2008 - Closed Session I
March 31, 2008 - Closed Session II as amended
April 7, 2008 - Closed Session
April 7, 2008 - Budget Work Session #6

BILLS & CLAIMS

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

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2008-R118 Authorizing the Mayor and Clerk to Execute a Collective Bargaining Agreement with West Windsor Professional Firefighters Association Local #360 for a Three-Year Contract Period January 1, 2007 through December 31, 2009

COMMUNITY DEVELOPMENT

2008-R119 Endorsing a Grant Application under the State of New Jersey Department of Transportation Municipal Aid Program for Roadway Infrastructure Projects - Fiscal Year 2009

2008-R120 Endorsing a Grant Application under the State of New Jersey Department of Transportation Municipal Aid Program for Safe Streets to Transit - Fiscal Year 2009

- 2008-R121 Endorsing a Grant Application under the State of New Jersey Department of Transportation Municipal Aid Program for Bikeway Projects - Fiscal Year 2009
- 2008-R122 Granting Full Release of Performance Guarantees Associated with Meadowlane Apartments-Meadow Road Improvements to West Windsor Developers
- 2008-R123 Granting Full Release of Performance Guarantees Associated with Meadowlane Apartments-North Branch of Duck Pond Run Sanitary Sewer Interceptor to West Windsor Developers
- 2008-R124 Granting Full Release of Performance Guarantees Associated with Meadowlane Apartments-Private Site Improvements to West Windsor Developers
- 2008-R125 Granting the Full Release of Performance Guarantees Associated with Meadowlane Apartments-Landscape Amenities to West Windsor Developers
- 2008-R126 Granting the Full Release of Performance Guarantees Associated with the Project Known as Sikander and Gurjeet Ranu Dental Office

PUBLIC SAFETY

- 2008-R127 Authorizing the Execution of a Shared Services Agreement with Mercer County Emergency Services Communications Center for Operational Communications and Dispatch of Fire Apparatus for Fire Emergencies as Needed for the Calendar Year 2008 and 2009

Motion to approve resolutions 2008-R118 through 2008-R127:
Morgan

Second: Kleinman

RCV: aye Borek*
aye Geever
aye Kleinman
aye Morgan
aye Anklowitz

* Mr. Borek advised that he cannot vote on Resolution 2008-R118, the IAFF Contract due to his position with the State IAFF.

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

2008-R128 Authorizing Renewal of Liquor Licenses within West Windsor Township from July 1, 2008 through June 30, 2009

Motion to approve Morgan

Second: Borek

RCV: aye Borek

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

2008-R129 Supporting the Mayor to Issue an Executive Order Requiring that all Contractors Meet Certain Fair and Equal Labor Standards

Ms. Kleinman noted that additional information is needed and requested that action on this resolution be deferred so that data could be reviewed after the Senior Center bids have been opened.

Ms. Geevers voiced her non-support of this resolution by saying that competent competition should not be shut out of the process. She stressed that competition drives the cost of construction down, and supports the continuation of the Township's practice of awarding contracts to the lowest responsive, responsible bidder.

Mr. Herbert advised that the Township must still follow the N.J.S.A. 40:A11-1 which provides that the lowest responsible bidder must be taken. He noted that there could be some difficulty enforcing the proposed resolution. Mr. Herbert suggested that Council might want to defer and modify the resolution before moving forward.

Mr. Morgan noted that the resolution calls on the Mayor to provide an executive order. He requested that the word "by" be

removed from the resolution in "a" of the "NOW, THEREFORE, BE IT RESOLVED".

Mr. Borek advised that this resolution does not take away competition and voiced his support of the resolution.

President Anklowitz advised that the purpose of this resolution is to save costs for the municipality.

Ms. Geevers again voiced her opposition to this resolution.

Motion to approve as amended removing the word "by": Morgan
Second: Borek

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

INTRODUCTION OF ORDINANCES

2008-10 AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR
THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE
ADMINISTRATION THEREOF - Emergency Services
Specialists and Lieutenants

Motion to introduce: Geevers

Second: Kleinman

RCV: Borek* - abstain
aye Geevers
aye Kleinman
aye Morgan
aye Anklowitz

Public Hearing for this ordinance will be held June 9, 2008.

* Mr. Borek advised that he cannot vote due to his position with the State IAFF.

COUNCIL REPORTS/COMMENTS

Akselrad

Ms. Kleinman inquired when the update on the definition of "two bedrooms" for the Akselrad development will be discussed.

Mr. Marion advised that he is waiting for an update from Mr. Muller on this matter.

Mulch Fires

Ms. Kleinman inquired about the mulch fires reported in the monthly report from the Princeton Junction Volunteer Fire Company and asked what Administration is doing on this matter.

Mr. Marion advised that Mr. Yates has forwarded an e-mail outlining possible solutions to this problem and that the matter will be discussed further at the next Public Safety meeting.

Ms. Kleinman asked about the property at the corner of Edinburg Road and Village Road and advised that the grass is high and requested that Administration address this.

Mr. Borek noted that the train station is a commodity for West Windsor and that the surrounding townships that use this facility should help defray the costs. He suggested proposing legislation that would help municipalities like West Windsor receive funding from surrounding municipalities to help defray these costs.

Mr. Morgan advised that the Planning Board has approved several ordinances for Council review and approval in the coming months. He noted that the Redevelopment Finance Committee continues to meet every other week with continued progress and will be sending a letter to Council with the Committee findings shortly.

Township Facilities

Ms. Geevers advised that she, Mr. Mangone, and Ms. Conlon walked through the Censoni House and felt that the cost to repair would be substantial.

Mr. Marion advised that this facility was proposed to be demolished and is currently being used for storage. He noted that an updated version of the facilities' needs report will be submitted to the Council for review and discussion later this year.

Ms. Kleinman advised that as discussion continues on Township facilities Mr. Valeri be involved so that we are assured that these facilities can receive occupancy permits prior to expending funds.

GroWW Festival

Ms. Kleinman noted that the GroWW Committee has been moving forward with the GroWW Festival and has received positive support from the Community and are working with the Environmental Commission, the Farmers' Market, and Friends of West Windsor Open Space (FOWWOS) on this event.

President Ankowitz announced that the Township's Annual Memorial Day Parade and Ceremony will take place on Monday, May 26th at 11:00 a.m. from the West Windsor-Plainsboro High School, South. He also announced that the Primary Election will be held on June 3rd with polls opening at 6:00 a.m. and closing at 8:00 p.m.

ORDER OF AGENDA AMENDED

President Ankowitz requested that public comment be moved forward on the agenda prior to the closed session.

Seconded: Morgan

VV: all ayes

ADDITIONAL PUBLIC COMMENT

Mr. Andrew Bromberg, 24 Providence Drive, again questioned the viability of the labor agreement resolution and cautioned the Council on approving their proposed salary increases.

Ms. Janet Lerner, 67 Rainflower Lane, voiced her support for Ms. Geever and Ms. Kleinman for not supporting resolution 2008-R129.

Ms. Ina Marx, 101 Claridge Court, expressed delight to hear the input this evening, but she was concerned that no member of Council voiced their reasons why the salary increase is needed.

ORDER OF AGENDA RESUMED

CLOSED SESSION II

Motion to go into closed session at 9:40 p.m.: Morgan

Second: Borek

VV: All approved

Ms. Huber 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

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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 the RMJM Hillier Contract.

MEETING RECONVENED

Meeting reconvened at 10:10 p.m.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Geevers

VV: All approved.

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

Sharon L. Young
Township Clerk
West Windsor Township