

APPROVED AS AMENDED: June 22, 2009

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
April 20, 2009

CALL TO ORDER: President Morgan 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 4, 2008 and the Closed Session was noticed on April 7, 2009 for the discussion of potential litigation and contract negotiations.

ATTENDEES: President: Morgan; Vice President: Kleinman; Council: Borek (arrived 7:00 p.m.), Ciccone, Geevers; Mayor: Hsueh; Business Administrator: Marion; Township Attorney: Herbert & Cayci; Manager of Community Development: Surtees; Deputy Township Clerk: Huber

CLOSED SESSION I

Motion to go into closed session at 6:00 p.m.: Kleinman
Second: Geevers
VV: All approved - Borek absent

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 possible litigation and contract negotiations.

MEETING RECONVENED

Meeting reconvened at 6:59 p.m. A short recess was taken until the 7:00 p.m. meeting start time.

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

PUBLIC COMMENT

Ms. Tikva Amram Carrick, 27 Van Wyck Drive, reported that she is currently acquiring signatures on a petition to request that Council freeze municipal taxes.

Mr. Hemi Nae, 11 Wycombe Way, voiced his support of the petition to freeze the municipal tax rate at last year's level.

Mr. Andrew Hersh, 5 Halstead Place, expressed his opinion that there are cuts that could be made within the 2009 Municipal Budget. He inquired what controls are in place so that contracts do not exceed the allowable 20% increase.

President Morgan requested that Administration prepare a report for projects that went over the initial bid amount.

Mr. Herbert reviewed the law and how it affects contracts that are awarded by the Township.

Ms. Kleinman advised that the Heatherfield project was initiated by residents that do not have sewer in their development. She noted that the Township is facilitating this project, but the residents will be sharing in the cost.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

West Windsor Bicycle and Pedestrian Alliance Traffic Calming Alternatives

Ms. Susan Conlon, West Windsor Bicycle and Pedestrian Alliance, 1st Vice President & Trustee and Daniel Damon, member and resident of Windsor Haven. Ms. Conlon noted that this presentation is a follow-up of a walk along Bear Brook Road which included residents of the area, Council members, Mayor Hsueh, and members of the Alliance. Ms. Conlon advised that these recommendations have been submitted to the Township in 2008; however, she wanted to focus on a few additional items to include:

- Remove "End Speed Zone" sign on Bear Brook Road
- Reduce speed limit to 35 mph the entire length of Bear Brook Road
- Create high visibility crosswalks
- Install pedestrian-activated flashing light and flashing lights within the roadway
- Install additional pedestrian crossing signage
- Reline pedestrian crossings on Bear Brook Road in the area of Windsor Haven

Mr. Daniel Damon, 12 Halstead Place, advised that there are additional crosswalk improvements that need to be done at the intersection of Windsor Haven Drive and Bear Brook Road and that a speed limit survey is needed to reduce the speed limit to 35 mph on the entire roadway. He also requested that the crosswalk be relined and lights be placed in the roadway similar to the crossing in Princeton Township by the canal on Alexander Road. Mr. Damon advised that the improvements made at the intersection of Alexander Road and Vaughn Drive have helped. He noted that the "No Turn on Red" sign is obstructed by other signs. Mr. Damon suggested additional police enforcement in this area.

Ms. Conlon advised that because people in the area of Windsor Haven and the Estates at Princeton Junction are biking and walking these items need to be addressed.

Mr. Andrew Hersh, 5 Halstead Place, advised that he uses the crosswalks on Bear Brook Road and that these improvements need to be addressed to ensure the safety of the public.

Ms. Ciccone inquired as to how quickly the speed zone sign can be corrected, when can the pedestrian crossing be repainted, and when can the sign for the "No Turn On Red" be moved.

Mr. Marion advised that he will speak with staff regarding these issues and will advise Council.

Ms. Geevers inquired if there is a priority list for flashing signal walkways.

Mr. Marion advised that currently these types of walkways are not in the budget.

Mr. Guzik noted he will review and make sure that signage is correct.

President Morgan inquired if a blanket authorization is needed thereby eliminating the need for Administration to come before Council each time a speed limit needs to be changed.

Mr. Herbert advised that unless an ordinance is needed Administration can move forward with these types of items and advise Council on the progress.

President Morgan inquired as to why not reduce the speed limit to 25 mph for the entire length of Bear Brook Road.

Ms. Conlon advised that in speaking with the Township Engineer, by making the speed limit too low it can cause additional problems and suggested that a new survey be done.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Marion requested adding two resolutions under the Consent Agenda endorsing Local Aid Grant Applications to the New Jersey Department of Transportation for Discretionary Aid for Dutch Neck Bicycle and Pedestrian Safety Improvements and Wallace Road Improvements.

COUNCIL MEMBER COMMENTS

Ms. Ciccone noted that from her perspective it is a healthy municipal budget.

Ms. Geevers advised that she had requested a zero increase for the budget and inquired as to what it would take to achieve this. She announced that tomorrow is the school election and encouraged everyone to get out and vote.

CHAIR/CLERK COMMENTS

President Morgan advised that at the request of Administration Resolution 2009-R082 will be pulled and discussed at the May 4th Agenda Session.

President Morgan advised that Council members attended Mr. Will Anklowitz's Swearing-In Ceremony in Trenton as Mercer County Superior Court Judge on April 17th. He noted that the Council presented a Proclamation on behalf of the Township to Mr. Anklowitz.

President Morgan advised that a question has been raised about the Public Meeting Act being violated at the April 16th, 2009 Budget Session. He requested that Mr. Herbert speak on this matter.

Mr. Herbert advised that there was no violation of the "Open Public Meetings Act" at the April 16th Budget Work Session. He elaborated that at the March 16th Business Session, the meeting was started without a quorum and only discussion on items took place. Mr. Herbert noted that he was in attendance at the March 16th meeting, but he didn't interrupt the proceedings so he assumed that precedence was set. He reviewed Roberts Rules and the Open Public Meetings Act with regard to a quorum. Mr. Herbert advised that he has reviewed this with President Morgan and that discussion can take place without a quorum, however the meeting should not be called to order until a quorum is present.

President Morgan advised he submitted a press release today regarding reducing the tax rate by utilizing 501(c)(3) in the Township to raise funds without impacting taxes. He advised that this topic will be placed on the May 4th Agenda Session for further discussion.

PUBLIC HEARINGS

2009-09 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82, "FEES", SECTION 82-4 "CONSTRUCTION FEES" OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR TO INCREASE FEES

President Morgan opened the public hearing.

Mr. Marion gave a brief explanation of the proposed ordinance.

Ms. Tikva Amram Carrick, 27 Van Wyck Drive, inquired if this increase in construction fees applies only to new construction.

Mr. Herbert advised that this is for both new construction and additions to homes according to the ordinance submitted.

Motion to close public hearing: Borek

Second: Kleinman

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

Motion to adopt: Borek

Second: Kleinman

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

Ms. Kleinman advised that the Township received a memorandum regarding solar panels and would like this placed on the May 4th Agenda Session for discussion.

CONSENT AGENDA

RESOLUTIONS

2009-R080 Refund of Overpaid Property Taxes

2009-R095 Endorsing Local Aid Grant Application to NJDOT for
Discretionary Aid for Dutch Neck Bicycle and
Pedestrian Safety Improvements

2009-R096 Endorsing Local Aid Grant Application to NJDOT for
Discretionary Aid for Wallace Road Improvements

MINUTES

February 2, 2009 - Business Session

February 23, 2009 - Special Redevelopment Work Session as
amended

March 2, 2009 - Business Session

March 19, 2009 - Budget Work Session #1

BILLS & CLAIMS

Motion to approve consent agenda: Borek

Second: Geevers

RCV: aye Borek*

aye Ciccone**

aye Geevers

aye Kleinman

aye Morgan

*Mr. Borek approved all the minutes with the exception of the February 2, 2009, as he was not in attendance.

**Ms. Ciccone recused herself from the approval of the minutes since she was not on Council at that time.

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2009-R081 Authorizing the Purchase of Replacement Workstations and Laptops for Various Departments and Divisions and the Acquisition of a Server for the Department of Public Works from Dell Computer Corporation under State Contract

COMMUNITY DEVELOPMENT

2009-R083 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers for Engineering Services for the Project known as Heatherfield Sanitary Sewers-Phase I

2009-R084 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers for Engineering Services for the Project known as Heatherfield Sanitary Sewers-Phase II

2009-R085 Endorsement of an Extension for a NJDOT Municipal Aid Grant for Alexander Road Improvements

2009-R087 Authorizing the Mayor and Clerk to Amend the March 2, 2009 Professional Services Agreement with Maser Consulting P.A. for Redevelopment Related Planning Services

2009-R088 Authorizing the Mayor and Clerk to Amend the March 2, 2009 Professional Services Agreement with Miller, Porter, Muller and Gaynor for Redevelopment Related Legal Services

HUMAN SERVICES

2009-R089 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Piazza & Associates to Provide Affordable Housing Consultant Services

2009-R090 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Marcie Tyson, Health Educator for Health Education/Promotion Services

PUBLIC WORKS

2009-R091 Endorsing the Submission of the 2008 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection

2009-R092 Authorizing the Award of Contract to Bucks County International Inc., to Provide a 2009 or Newer 6x4 Roll-off Truck with Stainless Steel Salt Spreader, Wetting System and Plow for the Department of Public Works

President Morgan asked that Mr. Marion review the no bid policy for professional contracts.

Mr. Marion advised that in regards to professional services the Township requests proposals every couple of years. He gave a brief overview of the process.

Motion to approve Resolutions 2009-R081, 2009-R083 through 2009-R085, and 2009-R087 through 2009-R092: Borek

Second: Kleinman

RCV: aye Borek
aye Ciccone
aye Geevers
aye Kleinman
aye Morgan

COMMUNITY DEVELOPMENT

2009-R086 Authorizing the Mayor and Clerk to Execute the Developer's Agreement with Hunter Family Real Estate Trust

Mr. Marion advised that this action is a normal off-site contribution.

Motion to approve: Geevers

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

Kleinman abstained

aye Morgan

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

2009-R093 Authorizing the Award of a New Plenary Retail Consumption Liquor License to Mac Acquisition LLC

2009-R094 Authorizing the Place to Place Transfer of the Plenary Retail Consumption License Owned by Brinker New Jersey, Inc.

Motion to approve Resolutions 2009-R093 and 2009-R094: Borek

Second: Kleinman

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

COUNCIL REPORTS/COMMENTS

Mr. Borek expressed his congratulations to former Council Member Will Ankowitz and advised that the Swearing-In Ceremony was impressive. He noted that he attended the Grovers Mill Pond fish release today and thanked all those who attended.

Ms. Ciccone noted that it was a real joy to attend the Swearing-In Ceremony on Friday and to hear everyone speak so highly of Mr. Anklowitz. She advised that she also attended the fish release today.

Ms. Geevers congratulated Mr. Anklowitz as well. She noted that she attended the fish release today and was glad to see that the schoolchildren were integrated into the fish release event held at Grovers Mill Pond. Ms. Geevers advised that she wanted to discuss the quorum issue in more detail and went through the history of the past two meetings and stated that the Council should be following Robert's Rules of Order which are adopted by Council every year.

Ms. Kleinman congratulated Mr. Anklowitz. She noted that West Windsor Township is a leader in the preservation of open space. Ms. Kleinman advised that Mr. Dobromilsky is working with her on a grant for the GroWW event.

President Morgan noted that he had to miss the fish release ceremony today at the Grovers Mill Pond. He advised that regarding the quorum issue he did not learn until it was too late that members would not be able to start at 5:00 p.m. President Morgan noted that no decisions were made during this portion of the meeting.

Mayor Hsueh advised that over 500 fish were released into the Grovers Mill Pond today and that fishing can take place at the pond this year. He noted that he will be working with the Division of Recreation and Parks on setting up canoeing and kayaking at the pond. Mayor Hsueh thanked everyone who came to the fish release.

PUBLIC COMMENT

None

CLOSED SESSION-II

Motion to go into closed session at 8:20 p.m.: Kleinman
Second: Borek
VV: All approved

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

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MEETING RECONVENED

The meeting reconvened at 8:47 p.m.

ADJOURNMENT

Motion to adjourn: Borek

Second: Kleinman

VV: All ayes

The meeting was adjourned at 8:47 p.m.

Sharon L. Young
Township Clerk
West Windsor Township