

APPROVED AS AMENDED: August 31, 2009

WEST WINDSOR TOWNSHIP COUNCIL
AGENDA SESSION
July 13, 2009

CALL TO ORDER: President Borek called the meeting to order at 7:00 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 3, 2009.

ATTENDEES: President: Borek; Vice President: Geevers; Council: Ciccone, Khanna, Morgan; Mayor: Hsueh; Acting Business Administrator: Hary; Township Attorney: Herbert; Deputy Township Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

PUBLIC COMMENT

Ms. Holly Keleman, 25 Old Bear Brook Road, expressed her concern about the Maneely tract ordinance which is scheduled to be changed at the Planning Board in August, and that only Windsor Haven residents were invited to give input. She noted that the layout has been changed and that she is concerned about the buffering, noise, building heights, and setbacks along Old Bear Brook Road.

Ms. Amira Scurato, 50 Bear Brook Road, shared her concerns about the proposed ordinance changes before the Planning Board and that the layout has been changed and the residents of Old Bear Brook Road are concerned about how this will affect them.

Ms. Janet Lerner, 67 Rainflower Lane, noted that the Township needs to move forward and work together.

Mr. John Church, 11 Princeton Place, commented on the newsletters on the Township web-site regarding the redevelopment

project and inquired as to where the funds are coming from and who is the author, and suggested that it should be signed so that residents know who provided the information. He also commented on the content and projections cited in the document.

Mayor Hsueh addressed Mr. Church's inquiries.

FOR ACTION

CONSENT AGENDA

RESOLUTIONS

2009-R163 Refund of Property Tax Overpayments

2009-R164 Consent to Reappointment of Marty Goldman as a Member of the Agricultural Advisory Committee - Term to expire June 30, 2012

2009-R165 Requesting Approval of the Insertion of the Alcohol Education, Rehabilitation and Enforcement Fund in the 2009 Municipal Budget

Mr. Morgan requested that the Bills and Claims and Minutes be pulled from the consent agenda for further discussion.

Motion to approve the consent agenda as amended: Geevers

Second: Morgan

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

ITEMS REMOVED FROM THE CONSENT AGENDA

MINUTES

June 8, 2009 - Closed Session I

June 8, 2009 - Special Work Session - Redevelopment, Next Steps

June 8, 2009 - Closed Session II

Minutes

Mr. Morgan inquired where his requested changes for the minutes were.

Ms. Huber advised that she had not received any amendments for the minutes to be approved this evening.

Bills and Claims

Mr. Morgan requested further explanation on several invoices on the Bills and Claims list. He requested that the invoice for FLM Graphics for maps for the Windsor Haven Development be pulled and paid on the next bill list pending additional information.

Mr. Hary addressed Mr. Morgan's requests and noted that going forward these types of questions should be forwarded to Administration prior to the meeting as has been done in the past.

President Borek requested that going forward Mr. Morgan contact Administration prior to the meeting regarding questions on the bills and claims.

Mr. Morgan noted that he had tried without success to reach President Borek to discuss the handling of these issues. He continued with his questions of various invoices. Mr. Morgan requested that Mr. Herbert's invoice be adjusted to not include payment for the Community Foundation work performed by Mr. Herbert on behalf of Mayor Hsueh.

Mr. Herbert advised that Mr. Morgan requested that the Township Attorney review this matter. Discussion ensued regarding this matter.

Motion to approve minutes and amended bill list: Geevers

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

NAY Morgan

aye Borek

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS:

RESOLUTIONS

COMMUNITY DEVELOPMENT

2009-R167 Authorizing the Mayor and Clerk to Execute a Fourth Supplement to the Professional Services Agreement with AECOM Transportation for Engineering Services Related to the Princeton Junction Redevelopment Plan

HEALTH AND HUMAN SERVICES

2009-R168 Authorizing the Mayor to Make Application for 2010 Recreational Opportunities for Individuals with Disabilities Grant and Execute Grant Agreement with Department of Community Affairs

Mr. Hary reviewed each of the three resolutions before Council.

Mr. Morgan requested that Resolution 2009-R166 be pulled for further discussion.

Motion to approve Resolutions 2009-R167 and 2009-R168: Ciccone

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

ADMINISTRATION

2009-R166 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Ed McManimon III, of the Firm McManimon & Scotland, as the Redevelopment Attorney

Mr. Hary provided Council with an amended resolution which added a provision whereby Mr. McManimon is the primary responsible individual for this contract.

Mr. Morgan advised that he feels there is a conflict of interest with Mr. McManimon being both Bond Counsel and the Redevelopment Attorney and suggested that he withdraw as Bond Counsel. He also inquired why additional firms were not contacted.

President Borek advised that the Township reviewed several attorneys two years ago with regard to the hiring of a Redevelopment Attorney and that Mayor Hsueh had proposed Mr. McManimon at that time. He noted that Mr. Khanna and Ms. Ciccone have both had an opportunity to meet and review Mr. McManimon's qualifications. President Borek advised that the Township is at a critical point and that Mr. McManimon is the appropriate candidate and in his opinion there is no conflict of interest.

Ms. Ciccone advised that she has reviewed all the material from two years ago and met with Mr. McManimon, and that she has done her due diligence and supports the Mayor's appointment.

Mr. Khanna advised that he has spoken with Mr. McManimon and he was satisfied with the Mayor's selection and it is time to move forward.

Ms. Geevers advised she supports Mr. McManimon's appointment and noted that there is no conflict of interest.

Motion to approve 2009-R166 as amended: Geevers

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

NAY Morgan

aye Borek

FOR DISCUSSION

Mayor/Administrator

Upcoming Administration Requests for Council Action

Mr. Hary advised that the following actions will be on the July 20th Business Session: 2009 Sewer Rate, Kelly Bill Reimbursements, Bond Ordinance for 2009 Capital Projects; Bond

Ordinance for Redevelopment Project, and Bond Ordinance for WaterWorks.

Council Member/Clerk

Discussion on Village Road West Accident June 12, 2009

President Borek gave a brief overview of the accident that occurred. He advised that it is important to recognize certain individuals for their actions during this incident.

Mr. Hary advised that Mayor Hsueh would like to be part of this recognition.

Ms. Ciccone advised that the employees are sometimes overlooked for their service to the community.

Discussion on Waiving of Construction Fees - County & School Board

Ms. Geever noted that she is concerned with the various State, County and School projects that take place within the Township and for which the Township is not reimbursed. She voiced her concern that this places a burden on the Township and requested that this be reviewed by Administration.

Mr. Hary advised that he reviewed the construction fees from 2007 and over \$200,000 was waived for County, State, and School projects. He also noted that the Township does, however, reap other rewards from these County and State facilities being located within the Township.

Discussion ensued regarding how to proceed.

President Borek suggested that a contribution be made from the County similar to the agreement with Princeton University.

Mr. Hary suggested making this part of the 2010 budget discussion.

Ms. Ciccone inquired as to what other Townships do regarding this issue.

Scheduling of Pre-Budget Meetings

President Borek inquired as to how the Council wants to proceed.

Mr. Morgan advised that these meetings need additional time and should be separate from the Agenda and Business Sessions.

President Borek noted that Council should identify the areas where Administration should review and let them come forward with suggestions.

Discussion included: how meetings should be managed; goals to be set; brainstorming; and the need to set policy decisions for the budget process for Administration.

COUNCIL COMMENTS

Mr. Khanna suggested that Council be goal oriented and set timelines and to communicate this to the public so that they can participate. He advised that the public should be informed as to what is going on with the Redevelopment Plan.

Mr. Morgan advised that during the Public Comment this evening there were questions regarding the redevelopment newsletter. He advised that a few months back there was discussion on the dissemination of information regarding the Redevelopment Project and that a compromise was made that all information regarding this subject would come from the Township and not the Mayor or Council separately. He suggested that the newsletter state that it is from the Mayor and Council. Mr. Morgan requested that the quorum issue be reviewed again.

Mr. Hary advised that he reviewed Mr. Morgan's suggested changes to the next issue of the redevelopment newsletter and that his changes will be incorporated. He also agrees with Mr. Church's comment about the newsletter needing authorship.

Ms. Ciccone suggested that the Township Council be a little more pro-active and should bring others together in the community regarding sustainability and move it forward and approve ordinances.

Ms. Geevers noted she always wanted a policy committee of two or three Council members to work with Administration to review the Code Book and to hear resident suggestions for ordinances as well. She advised that on the quorum issue Council approved in the Procedural Guidelines that if there is not a quorum, the meeting is not called to order.

COUNCIL REPORTS

Ms. Ciccone advised that she attended the reorganization of the Planning Board and the Environmental Commission.

Ms. Geevers noted that the Parking Authority met last week and they are working with the Police regarding the increased break-ins at the train station and the rash of bicycles being stolen.

President Borek requested that the order of the agenda be amended to move public comment forward.

Motion to amend the agenda: Morgan
Second: Ciccone
VV: All approved

AMEND THE ORDER OF THE AGENDA

PUBLIC COMMENT

Mr. Voytek Trela, 70 Bear Brook Road, questioned when Mr. Muller will be making a presentation to the Council with regard to the Walden Woods affordable housing issue.

ORDER OF AGENDA RESUMED

CLOSED SESSION

Motion to go into closed at 8:53 p.m.: Morgan
Second: Geevers
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 litigation.

MEETING RECONVENED

Meeting reconvened at 9:15 p.m.

ADJOURNMENT

Motion to adjourn: Morgan
Second: Ciccone
VV: All approved.

The meeting was adjourned at 9:15 p.m.

Sharon L. Young
Township Clerk
West Windsor Township