

APPROVED AS AMENDED: August 31, 2009

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
June 22, 2009

CALL TO ORDER: President Morgan 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 4, 2008 and Special Notice was provided on May 19, 2009 changing the meeting from an Agenda Session to a Business Session.

ATTENDEES: President: Morgan; Vice President: Kleinman; Council: Borek, Ciccone, Geevers; Mayor: Hsueh; Business Administrator: Marion; Township Attorney: Herbert; Township Auditors: Antonides Sr & Jr.; Deputy Township Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

PUBLIC COMMENT

Ms. Ruth Kusner Potts, 11 Penn Lyle Road, thanked Ms. Kleinman for her past four years of service to West Windsor Township as a Council person. She also thanked her for her service to the West Windsor Arts Council. Ms. Potts also extended thanks to Mr. Marion on behalf of the Arts Council for his assistance to the Arts Center project.

Ms. Kristin Appelget, Director, Community and Regional Affairs, Princeton University, thanked both Ms. Kleinman and Mr. Marion for their service to the community and providing their insight on the many projects they have worked on during the past four years.

Mr. Eduardo Garcia, Executive Director of the West Windsor Arts Council, thanked Ms. Kleinman for her time on the Township Council and for working with him on the West Windsor Arts

Council project. He also thanked Mr. Marion for his support and good counseling.

Mr. John Church, 11 Princeton Place, thanked both Mr. Marion and Ms. Kleinman for their service to the community. He inquired about the line item in the 2009 budget "other expenses" and requested an explanation.

Mr. Marion gave a brief explanation of this line item.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Presentation to Business Administrator Christopher Marion

President Morgan read Mr. Marion's Proclamation, which was signed by Mayor Hsueh and Council.

Mr. Marion advised it was the nicest "walk-on" item during his career. He expressed his sincere thanks to everyone he has worked with over the years and thanked staff for their time and support during his term.

Presentation to Council Member Heidi Kleinman

President Morgan read Ms. Kleinman's Proclamation which was signed by Council.

Ms. Kleinman presented her parting comments to staff, members of Council, and the public.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh thanked Mr. Marion for his service to West Windsor Township and wished him success in his future endeavors. He expressed his respect for Ms. Kleinman and her contributions to the Township, especially with the Redevelopment Plan and sustainability. Mayor Hsueh thanked both Ms. Kleinman and Mr. Marion for their contributions to the Township.

ATTORNEY COMMENTS

Mr. Herbert thanked Ms. Kleinman for her service to the community and her work on the Redevelopment Plan and noted he

hopes she stays involved. He noted that Mr. Marion has been supportive, has a great sense of humor, and will be really missed.

COUNCIL MEMBER COMMENTS

Mr. Borek thanked Mr. Marion for always having the door open to him and for his insight to help him transition on Council. He thanked him for always being there and noted he will be greatly missed. Mr. Borek advised that Ms. Kleinman also gave him great insight and he hopes she will stay involved and looks forward to working with her in the future.

Ms. Ciccone thanked Mr. Marion and Ms. Louth for being so professional and taking the time and effort with her on the budget. She wished Mr. Marion the best of luck. Ms. Ciccone advised that Ms. Kleinman has spent many hours on the GroWW Festival, renovations to the old firehouse for the West Windsor Arts Council, and redevelopment. She noted that Ms. Kleinman's work on LEEDS and her vision for planning for West Windsor is exemplary.

Ms. Geevers noted that she thoroughly enjoyed working with Mr. Marion over the past four years. She noted that he always acted professionally and the door was always open to her and she thanked him for his dedication to the Township.

Ms. Geevers advised that she and Ms. Kleinman ran for office together four years ago and a friendship formed. Ms. Kleinman was instrumental in explaining land use issues, moved the Redevelopment Plan forward, worked on the Senior Center expansion, and on the future West Windsor Arts Council at the old fire house, and coordinated the first GroWW Festival for the Township.

President Morgan advised he has worked with five different Business Administrators while on Council. He noted that he will miss Mr. Marion and concurs with his fellow Council members and hopes to continue to keep in touch. President Morgan noted that Ms. Kleinman is energetic and that he spent many hours with her regarding redevelopment. He is very pleased that she will continue to work with the West Windsor Arts Council and other organizations in the Township. President Morgan thanked them

both for their service to West Windsor Township and wished them well in their future endeavors.

PUBLIC HEARINGS

2009-10 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

President Morgan opened the Public Hearing.

Motion to close public hearing: Borek

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

2009 MUNICIPAL BUDGET - PUBLIC HEARING

Mr. Marion opened the budget hearing and gave a brief explanation of the revenue, expenditures, and surplus and advised that the tax rate increase for the Township is 1.7 cents over 2008. He noted that only 15% of the total tax bill is directly related to Township expenses.

Ms. Louth presented a PowerPoint presentation on the 2009 budget.

Mr. Andrew Hersh, 5 Halstead Place, thanked everyone for putting this budget together, and expressed his thanks to Mr. Marion. He inquired about the five million dollars of capital improvements and advised that he feels the budget could be reduced further. He noted he would like to see the budget held flat and suggested that some of the capital projects be done by the community, and possibly holding off on some of the capital projects until another year.

Ms. Louth advised that the Township has received \$620,000 in State aid for capital projects.

Mr. Al Lerner, 67 Rainflower Lane, advised that he is sorry to see Mr. Marion and Ms. Kleinman leave. He inquired about the revaluation figure in the 2009 budget.

Ms. Louth advised that the revaluation cost \$900,000 and that the Township was able to pay these costs over a five-year term. She noted that this is the last year for payment.

Motion to close Public Hearing: Borek

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

Ms. Louth advised that West Windsor has been approved by the State to adopt the budget this evening and that Administration recommends adoption of the budget so that there is no delay with tax bills going out. Ms. Louth advised that the new Council could change the budget after July 1, but it is not recommended.

Ms. Geevers advised that she and Ms. Ciccone reviewed with Administration the possibility of a zero budget for 2009. She noted that Council has decided that this year there would be no layoffs. Ms. Geevers noted that she requested a review of the health benefits be conducted for the 2010 budget. She requested that all budget documents be placed on-line in 2010 and that an agenda meeting be scheduled in the early fall to discuss goals for the 2010 budget. Ms. Geevers requested that a resolution be placed on a future agenda session to discuss construction fees that are waived for county and school construction projects.

Discussion ensued regarding the budget process, how to cut costs, and constraints that the Township faced during the 2009 budget process. Council requested an agenda session in the late summer or early fall to work on budget discussions prior to Administration preparing the budget for Council review.

Motion to adopt the 2009 Budget: Borek

Second: Kleinman

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

NAY Morgan

2009-11 AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR, MERCER COUNTY, NEW JERSEY DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM IN ACCORDANCE WITH THE REQUIREMENTS OF NJSA 43:15C-A, ET SEQ.

President Morgan opened the Public Hearing.

Motion to close Public Hearing: Ciccone

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

Motion to adopt: Borek

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

2009-12 AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THEREOF

President Morgan opened the Public Hearing.

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

2009-13 AN ORDINANCE TO SUPPLEMENT CHAPTER 168 OF THE CODE OF
THE TOWNSHIP OF WEST WINDSOR, ENTITLED "TRAFFIC AND
PARKING" TO PERMIT LOW SPEED VEHICLES TO TRAVEL ON
CERTAIN STREETS

President Morgan opened the Public Hearing.

Motion to close Public Hearing: Borek

Second: Kleinman

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

Motion to adopt: Kleinman

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

CONSENT AGENDA

RESOLUTIONS

2009-R137 Refund of Overpaid Property Taxes

MINUTES

March 16, 2009 - Business Session as amended

April 16, 2009 - Budget Work Session#4 as amended

April 20, 2009 - Business Session as amended

May 4, 2009 - Agenda Session

BILLS & CLAIMS

Motion to approve consent agenda: Borek

Second: Kleinman

RCV: aye Borek

aye Ciccone*

aye Geevers

aye Kleinman

aye Morgan

*Ciccone recused herself from the minutes for meeting at which she was not in attendance.

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2009-R138 Approving Supplemental Compensation for Robert Hary to serve as Acting Business Administrator

2009-R139 Authorizing the Reimbursement of Recycling Collection/Disposal and Snow Removal Costs for Various Condominium Associations for 2008

COMMUNITY DEVELOPMENT

2009-R141 Authorizing the Mayor and Clerk to Execute an Agreement with Windsor Haven Condominium Association for the Reimbursement for Street Lighting for the Period of January 1, 2002 through August 31, 2008

2009-R143 Granting the Reduction of Performance Guarantees to Boston Properties Associated with Carnegie Center West Phase C Building 701

2009-R144 Authorizing the Mayor and Clerk to Execute an Amendment to the Professional Services Agreement with Van Note-Harvey Associates for the Project Known as Penn Lyle Road Phase I Improvement Program

2009-R146 Approving Grant Application and Authorizing the Mayor and Clerk to Execute a Grant Agreement with NJDOT for the Village Road West Reconstruction Project Phase I

2009-R147 Approving Grant Application and Authorizing the Mayor and Clerk to Execute a Grant Agreement with NJDOT for the Trolley Line Trail Extension Project

2009-R149 Authorizing the Mayor and Clerk to Execute a Contract with Techna-Pro Electric, LLC for the Emergency Vehicle Pre-Emption Equipment for Harris Road/Penn Lyle Road and Clarksville Road Intersection

PUBLIC SAFETY

2009-R150 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Kelter & Gilligo for Engineering Services for the Development of Plans and Specifications for the Installation of a Fire Sprinkler System in the Municipal Building Storage Basement and Twin "W" First Aid Building

PUBLIC WORKS

2009-R151 Authorizing the Mayor and Clerk to Execute a Contract with Ditschman/Flemington Ford Fleet Sales for the Purchase of 2009 Ford F350 Pickup Truck for the Department of Public Works

Members of Council requested that the resolutions 2009-R140, 2009-R142, 2009-R145, and 2009-R148 be pulled for further discussion.

Motion to approve resolutions 2009-R138, 2009-R139, 2009-R141, 2009-R143, 2009-R144, 2009-R146, 2009-R147, 2009-R149, 2009-R150, and 2009-R151: Kleinman

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

Mr. Borek recused himself from voting on resolution 2009-R143.

2009-R140 Authorizing the Reimbursement of Solid Waste Collection Costs for 2008 for Avalon Watch Communities, Windsor Woods Luxury Apartments, and The Mews at Princeton Junction

Mr. Borek inquired how the rate was set for this reimbursement.

Mr. Marion advised that the Township pays based on Township costs for collection not the individual complexes.

2009-R142 Authorizing the Mayor and Clerk to Execute an Agreement with Windsor Haven Condominium Association for the Purchase of New Street Lighting Fixtures and Installation

Mr. Marion advised that additional language should be included in the third and fourth "WHEREAS", and under "1." to add "for energy efficiency" and advised that Windsor Haven is amenable to this change.

Ms. Kleinman requested that a member of staff review this and have staff propose the appropriate lights.

Mr. Marion addressed the matter and suggested a broader discussion on the matter at a future agenda session.

2009-R145 Authorizing the Mayor and Clerk to Execute Deeds Vacating a Portion of Roszel Road and Vacating, Releasing and Extinguishing all Public Rights to a 50 Foot Wide Storm Sewer Easement and 20 Foot Wide Sanitary Sewer Easement

Ms. Geevers requested that the fourth "WHEREAS" include "Township Attorney and" after the word "the".

2009-R148 Approving Grant Application and Authorizing the Mayor and Clerk to Execute a Grant Agreement with NJDOT for the West Windsor Township Parking Area Raised Pedestrian Walkway

Ms. Kleinman advised that it is important to show a crossing over the tracks even if it is not part of the application. She noted that the map submitted should show what has been approved in the Redevelopment Plan.

Motion to approve 2009-R140, 2009-R142 as amended, 2009-R145 as amended, and 2009-R148: Kleinman

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

Continued Discussion: Community Foundation of West Windsor 501(c)(3)

President Morgan expressed his appreciation that the Township Attorney had reversed his previous position and now agreed that it was possible for West Windsor to promote a 501(c)(3). He inquired how members of Council want to move forward on this subject.

Mr. Borek advised that Jersey City firefighters have set up two 501(c)(3)s. He noted that one helps firefighters if they are seriously injured and the second one is for improvements to facilities. Mr. Borek advised there is some merit to the 501(c)(3)s and that discussions should continue on how they may fit into West Windsor.

Ms. Ciccone thanked Mr. Herbert and Mr. Morgan for their memorandums and suggested that further discussion on this matter be set for a future agenda session during the summer.

President Morgan noted that his only sense of urgency is that United Way contributions come in October. He suggested a subgroup of Council to work on this item.

Ms. Geevers advised that individual groups should set up 501(c)(3)s and that she is not in favor of having the government involved.

Ms. Ciccone suggested that Council should wait until after reorganization to have a further discussion on this matter.

President Morgan agreed with waiting until after the reorganization meeting and noted he wanted to weigh all the options before moving forward on this idea. He will prepare an outline for Council to review.

Zoning Board of Adjustment and Parking Authority Appointments

President Morgan advised that the Township Clerk has received correspondence from all incumbents advising their desire to continue to serve on these boards.

COUNCIL REPORTS/COMMENTS

Mr. Borek thanked Mr. Morgan and Ms. Kleinman for their service this past year as President and Vice President of Council.

Ms. Ciccone requested that a future agenda topic for Council should be on sustainability and drafting ordinances.

Discussion ensued regarding sustainability.

Ms. Geevers advised that the Parking Authority met and reviewed Mayor Hsueh's memorandum dated May 14, 2009 defining the role of the Parking Authority in the Redevelopment process. She noted that the Parking Authority will be meeting with New Jersey Transit.

Ms. Kleinman announced that she is pleased to see the flyer with the drop-off for yard debris.

Mr. Marion advised that a pilot program will be starting in July and is being paid for by a grant received by the Township to allow yard waste to be dropped off by residents at the Public Works facility on Southfield Road. He advised residents to check the Township web-site for details.

ADDITIONAL PUBLIC COMMENT

Ms. Debra Lemeshow, 29 Halstead Place, thanked everyone for their tireless work. She thanked Mr. Marion for his help over the years.

Mr. Al Lerner, 67 Rainflower Lane, inquired about resolution 2009-R148. He advised he supports a structure to connect both sides of the rail station to ease pedestrian traffic.

Mr. Herbert advised that this will be a boardwalk through the wetlands from the compost facility, which will be converted to surface parking.

Mr. Andrew Hersh, 5 Halstead Place, supports a crossing over the railroad tracks. He noted that the budget needs to be worked on continually.

ADJOURNMENT

Motion to adjourn: Kleinman
Second: Borek
VV: All approved

The meeting was adjourned at 9:32 p.m.

Sharon L. Young
Township Clerk
West Windsor Township