

APPROVED: October 26, 2009

WEST WINDSOR TOWNSHIP COUNCIL

AGENDA SESSION

September 29, 2009

CALL TO ORDER: President Borek 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 14, 2009 and special notice for a closed session to discuss personnel issues was provided on September 22, 2009

ATTENDEES: President: Borek; Vice President: Geevers; Council: Ciccone, Khanna, Morgan; Business Administrator: Hary; Township Attorney: Herbert (arrived at 7:00 p.m.); Township Clerk: Young

PUBLIC COMMENT

None.

CLOSED SESSION DISCUSSIONS

President Borek noted that the information to be discussed in closed session is of a sensitive nature and should be kept confidential.

Ms. Geevers advised that the documents to be discussed in closed session should have been provided to Administration and Mr. Herbert.

Mr. Morgan noted that the parties involved in the potential investigation should not be involved in the preliminary discussion. He suggested that Mr. Hary not be present during the closed session.

President Borek advised that Mr. Herbert was provided with a "Rice Notice" so he was aware of the discussions and provided his consent.

Mr. Hary suggested that a third party attorney be present for the closed session. He advised that he was not aware of what was going to be discussed in closed session and was not comfortable with having the meeting without being present.

President Borek suggested having Mr. Schmierer, Zoning Board Attorney for the Township, present at the closed session.

Mr. Khanna inquired about who the attorney would be representing.

Mr. Morgan advised that the attorney would be participating in the discussion and providing Council with advice.

President Borek noted that advice should be sought from the attorney for the proper protocol for handling this situation. He suggested that the closed session be postponed for two weeks. President Borek commented that he and Mr. Hary will work together in having Mr. Schmierer brought up to speed on the situation.

Ms. Geevers advised that the attorney present at the closed session will only provide recommendations on how to proceed with the meeting and will not be advising Council on how to handle the issue.

Council decided to postpone the closed session until October 13, 2009.

MEETING RECESS

Motion to recess until 7:00 p.m.: Geevers

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

MEETING RECONVENED

The meeting reconvened at 7:00 p.m.

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, noted his disappointment with the cancellation of the flu shot. He also inquired about accessing ordinances on the website.

Mr. Alvin Lerner, 67 Rainflower Lane, spoke about "Build America Bonds" which are issued at a lower rate. He noted that New Jersey is participating in the program and suggested that the Township take advantage of the program.

CONSENT AGENDA

MINUTES

August 31, 2009 - Closed Session I  
August 31, 2009 - Closed Session II as amended

BILLS AND CLAIMS

Motion to approve the consent agenda: Khanna

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

- 2009-R236      Authorizing the Insertion of a Special Item of Revenue for Over the Limit Under Arrest Grant in the 2009 Municipal Budget
- 2009-R237      Authorizing Details Related to the Issuance General Obligation Bonds in the Principal Amount of \$14,025,000 in Accordance with Local Bond Law
- 2009-R238      Authorizing Application to the Local Finance Board for Approval of a Proposed Non-Conforming Maturity Schedule in Connection with a Proposed Issuance of General Obligation Bonds to Permanently Finance Various General Capital Improvements
- 2009-R239      Authorizing the Combination of Various Bond Ordinances into One Single Combined Issue of General Improvement Bonds in the Principal Amount of \$12,750,000 in Accordance with Local Bond Law
- 2009-R240      Authorizing the Mayor and Clerk to Execute a Contract with Stacey Contracting, Inc. for the Construction of a Sanitary Sewer Pumping Station, Force Main and Sanitary Sewer Piping for the Heatherfield Sanitary Sewer Extension - Phase II
- 2009-R241      Authorizing the Mayor and Clerk to Execute a Contract with ACT Engineers, Inc. for the Project Known as Heatherfield Sanitary Sewers - Phase II
- 2009-R242      Authorizing the Mayor and Clerk to Execute an Amendment to the Existing Contract with ACT Engineers, Inc. for the Project Known as North Post, Alexander, and Wallace Roads Sidewalk Extension

Ms. Ciccone inquired about 2009-R242 being related to the pending litigation received this week. She noted that she was not comfortable voting on this resolution without knowing the details.

Mr. Herbert advised that the litigation does not prohibit the Council from voting on the resolution related to sidewalk construction.

Motion to approve 2009-R236 through 2009-R242: Khanna

Second: Geevers

RCV: aye Ciccone - abstained from voting on 2009-R242

aye Geevers

aye Khanna

aye Morgan

aye Borek

FOR DISCUSSION:

MAYOR/ADMINISTRATION

Mr. Hary spoke about the upcoming flu vaccinations, and explained the difference between the seasonal flu vaccine and the H1N1 flu vaccine.

Mr. Hary advised that the GroWW Festival will be held on October, 3<sup>rd</sup>, the Senior Center re-opening will be held on September 30<sup>th</sup>, and the meeting with Penn Lyle residents will be held on September 30<sup>th</sup> at 7 p.m.

Mr. Herbert noted that a meeting was held with Bootstraps/Walden Woods residents. He advised that Planning Board Attorney, Mr. Muller, is working on getting a meeting with the residents, the Township and COAH.

COUNCIL MEMBER/CLERK

Car Allowances/Mileage Reimbursement

Mr. Morgan asked for clarification on what is "reimbursement" under the Township code. He suggested that a policy needs to be created.

Mr. Hary commented that some reimbursement is contractual with by-the-mile or a flat rate of \$250. He noted that the Mayor works full time with a part-time salary and should be treated differently.

Ms. Ciccone asked if the \$250 car reimbursement was related only to mileage or was it also used for car repair and parking expenses.

Mr. Hary noted that parking costs are separate, and he spoke about taxable reimbursements.

Ms. Ciccone asked who approves Council's expenses. She agreed that a policy should be set.

Mr. Morgan noted that Administration approves the Council's expenses.

President Borek asked Mr. Morgan and Ms. Geevers to work on creating a reimbursement policy.

#### Minute Preparation

Ms. Ciccone spoke about the time spent at meetings attempting to approve the minutes from a previous meeting and the debates that go back and forth among Council Members. She noted that the Clerk's Office employees spend a lot of time reviewing the exact wording of a particular conversation. Ms. Ciccone explained about software that will allow Council Members to have the audio of the meetings on their laptops.

Ms. Young explained the current minute preparation process.

Mr. Morgan noted that the minutes are the permanent record for the Township and advised that it is sometimes difficult to hear the recording.

Ms. Ciccone advised that this software would eliminate the clarification of the minutes because the Council Member could listen to the recording and provide word-for-word input to the Clerk for the minute preparation.

Council Members asked the Clerk's Office to purchase the software.

#### Guidelines for Municipal Candidates

Ms. Geevers asked that a restriction be placed in our Township guidelines prohibiting the distribution of food to poll workers by a candidate on Election Day.

Mr. Morgan noted that providing donuts to the poll workers has been a tradition and is a way of expressing thanks for the long hours worked on Election Day.

President Borek advised that ELEC has strict guidelines and distribution of food by the candidates has not been ruled inappropriate.

Ms. Geevers urged that this be added to the Township's candidate guidelines as a strong suggestion not to distribute food.

#### Document Distribution Prior to a Meeting

Ms. Ciccone asked that the Clerk's Office be provided with e-mails or documents pertaining to the upcoming meeting by the close of business the Friday before the meeting.

Ms. Young outlined the common practices and deadlines for distribution of agenda materials.

Mr. Morgan noted that on occasions emergencies arise calling for an addition to the agenda. He advised that this needs to be managed accordingly.

Ms. Ciccone asked that e-mail pertaining to the meeting not be sent the day of the meeting because she is unable to read them during work hours.

#### Hotel/Motel Liquor License Exception

Mr. Morgan reviewed his suggested changes to the Township ordinance.

Ms. Young outlined the new hotel/motel bill signed into law by the Governor in July of this year.

Mr. Herbert reviewed the history of the Township ordinance established for hotel and motel plenary consumption licenses.

Discussion ensued of the change to be made to the ordinance.

Mr. Morgan urged that a voluntary contractual concession be made part of the ordinance in the event a hotel or motel is sold and the business use of the liquor license changes.

Mr. Herbert noted that a contractual concession is not permitted by State statute.

#### COUNCIL COMMENTS

Mr. Morgan noted his disappointment that a Township 501(c)(3) was not further considered, and that additional information was not gathered on the topic.

Mr. Khanna asked that Administration meet with him to further discuss the possibility of setting up a task force to assist in better understanding the workings of municipal government.

Ms. Ciccone advised that she did do her homework regarding 501(c)(3)s and did not agree with moving forward with the idea. She noted that housing prices are stabilizing, although commercial will be slower to recover. Ms. Ciccone noted that she was in favor of using task forces to further analyze cost savings in the Township budget.

Ms. Geever's advised that she and President Borek are going to meet with Ms. Kieling to further discuss how the Township could assist existing 501(c)(3)s to be more profitable. She noted that a date will be set for further discussion with the Bootstraps/Walden Woods residents and COAH. Ms. Geever's also advised that she was writing a resolution to ask the County not to waive construction inspection fees.

President Borek advised that the Senior Center Grand Reopening will be held tomorrow at noon.

President Borek spoke about obtaining a piece of steel from one of the World Trade Center Twin Towers. He advised that it will be made into a monument and placed at the September 11 memorial reflecting pools

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, spoke about the minute preparation, and made recommendations for the process. He also noted that he was against grandfathering a hotel/motel liquor license.

Ms. Janet Lerner, 67 Rainflower Lane, offered a suggestion to resolve the issue of the minute preparation. She noted that she was against distributing food at the polling places.

Mr. Voytek Trela, 70 Bear Brook Road, advised that the paper documents of the minutes are a permanent record and special care should be taken in their preparation.

ADJOURNMENT

Motion to adjourn: Khanna  
Second: Ciccone  
VV: All approved

The meeting was adjourned at 8:48 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township