

APPROVED: June 1, 2010

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
APRIL 19, 2010

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 14, 2009.

ATTENDEES: President: Borek; Vice President: Geever; Council: Ciccone, Khanna, Morgan; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Ms. Gerda Duffy, 132 South Mill Road, asked that Council and the Mayor convey their concerns to the Board of Education about outsourcing the custodial work. Ms. Duffy noted some concerns with the company the Board plans to outsource to and the contract.

Mr. Alvin Lerner, 67 Rainflower Lane, mentioned an article published in The Times newspaper on April 10th with regard to the Federal Transit Administration committing funds toward the new mass transit tunnel linking New Jersey to Manhattan. Mr. Lerner noted that this will increase railroad capacity for West Windsor Township and Council must commit to an interest in new infrastructure.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh advised that he spoke with the Mercer County Association of Realtors in regards to an article placed in the West Windsor-Plainsboro News on April 16th and they advised Mayor

Hsueh that their Association had nothing to do with the article published.

Mr. Hary advised that the Bikefest would be held on May 29th at Community Park. He also responded to Mr. Morgan's query at the April 6th meeting about the "ROID" grant. He noted that ROID is an acronym for Recreation Opportunity for Individuals with Disabilities.

COUNCIL MEMBER COMMENTS

Mr. Morgan noted that the Arbor Day celebration would be held on April 24th. He also noted that he has received many telephone calls in relation to the article published in the West Windsor-Plainsboro News regarding "plywood junction" and stated that funds will not be available for the Redevelopment Plan as long as there is on-going litigation.

Mr. Khanna thanked Mr. Hary for bringing the Department heads together for the budget meeting, which was held on April 16th and asked if information could be provided on what was added back into specific budget line items.

Ms. Ciccone acknowledged that April 22nd is Earth Day and would like to challenge residents to reduce garbage by recycling. Ms. Ciccone noted that there will be a cleanup of the Raritan Canal on May 1st. She stated that she has also received e-mails in response to the article in the West Windsor-Plainsboro News and noted that the message in the article was misinformation.

Ms. Geevers inquired about an ordinance or legislation that would force business owners on Route 571 to fix their properties. She inquired about the Township's ability to have the owners knock down or level the dilapidated buildings. Ms. Geevers also spoke of placing updates on the Township website to keep the residents well informed. She advised that the School Board Election would be held on April 20th.

Mr. Herbert advised Ms. Geevers that the Township would have to proceed with condemnation in order to knock down the buildings or another alternative to this would be to declare the area a nuisance site.

Mayor Hsueh acknowledged that a compliance plan is needed before demolition of buildings will be allowed and the Township would need environmental clearance from the New Jersey Department of Environmental Protection.

CHAIR/CLERK COMMENTS

Mr. Borek acknowledged his Council colleagues and Administration on the budget meeting and noted that there will be another budget meeting scheduled.

PUBLIC HEARINGS

2010-08 AN ORDINANCE TO RELEASE, VACATE, AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN CERTAIN PORTIONS OF THE ALEXANDER ROAD RIGHT-OF-WAY

President Borek opened the public hearing.

Mr. Hary distributed a confidential memo from the Township Engineer regarding the vacating of the property.

Mr. Herbert noted that the memo does not contain anything that cannot be discussed in public.

Mr. Morgan acknowledged that the road needs to be fixed and that the memo satisfies his concerns.

Ms. Geevers stated that this new design will make the roads safer for travelers.

Motion to close public hearing: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Mr. Pierson was advised that the public hearing was closed.

Mr. Guy Pierson, 241 Fisher Place, asked to review the map, which was distributed by Mr. Hary.

Mr. Morgan confirmed that there is no cost involved to the Township and this is a straight trade of parcels.

Motion to adopt: Geevers

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

2010-09 AN ORDINANCE AUTHORIZING THE COMMENCEMENT OF AN ACTION
UNDER THE EMINENT DOMAIN ACT OF 1971 AND AUTHORIZING
THE ACQUISITION OF A RIGHT-OF-WAY AND A GRADING,
DRAINAGE, AND UTILITY EASEMENT

President Borek opened the public hearing.

Mr. Morgan advised of his objections against eminent domain.

Mr. Herbert stated that this parcel is not in the redevelopment zone and the purpose of this is to close the link for the sidewalk.

Ms. Geevers noted that this is a safety issue, which needs to be corrected, and it benefits the residents.

Ms. Ciccone advised that she supports the general principles but she has concerns with individual property rights. She advised that she would abstain from voting on this ordinance.

Mr. Borek acknowledged that the residents of Benford Estates asked for the completion of the sidewalk and noted that this would assist with pedestrian traffic to the train station.

Motion to close public hearing: Khanna

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Motion to adopt: Geevers
Second: Khanna
RCV: Ciccone - abstain
aye Geevers
aye Khanna
NAY Morgan
aye Borek

CONSENT AGENDA

RESOLUTIONS

2010-R084 Authorizing the Mayor and Clerk to Execute a Conservation and Maintenance Easement Agreement with the Delaware and Raritan Canal Commission of the State of New Jersey

2010-R085 Authorizing the Mayor and Clerk to Execute an Easement Modification Agreement - 17 Colt Circle

2010-R086 Refund of Overpaid Property Taxes

MINUTES

March 22, 2010 - Special Session As Amended

Motion to approve consent agenda as amended: Geevers
Second: Khanna
RCV: aye Ciccone
aye Geevers
aye Khanna
aye Morgan - abstain on minutes - not in attendance
aye Borek

Items Removed from Consent Agenda

BILLS & CLAIMS

Mr. Morgan noted that there is a need to address travel reimbursement. He also asked Mr. Hary to get a claims run rate from Horizon Blue Cross and Blue Shield for his review. Mr. Morgan asked about a payment made to the New Jersey Bar

Association and inquired about the lack of invoices from the Redevelopment Attorney.

Mr. Hary advised that he attended a collective bargaining seminar which is reflected in the cost to the New Jersey Bar Association.

Mr. Morgan asked that Mr. Hary provide Council with materials from the seminar for Council to review.

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

COMMUNITY DEVELOPMENT

2010-R088 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering Associates for Penn Lyle Road - Phase 2

2010-R089 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering Associates for South Post Road Bikeway Extension

2010-R090 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering Associates for the Annual Road Improvement Program

2010-R092 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with T&M Associates for the Dutch Neck Bicycle and Pedestrian Safety Improvements Project

2010-R094 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with BANC3 Inc. for the Wallace Road Resurfacing Project

2010-R095 Granting the Request for a Full Release of Performance Guarantees to Ground Force Corporation for the Completion of the Contract for Public Lands Landscape-Cul De Sac & Street Tree Maintenance and Replacement

Motion to approve Resolutions 2010-R088 thru 2010-R090, 2010-R092, 2010-R094 and 2010-R095: Morgan

Second: Ciccone

RCV: aye Ciccone
aye Geevers
aye Khanna
aye Morgan
aye Borek

2010-R087 Authorizing the Mayor and Clerk to Execute a Developer's Agreement with The Trustees of the Theological Seminary of the Presbyterian Church

Ms. Ciccone advised that she voted against this at the Planning Board level as she was not in favor of the removal of so many trees and she will vote against it again tonight.

Mr. Morgan inquired about Council's discretion to send the agreement back to the Planning Board for additional review.

Mr. Herbert explained that the function of the Township Council is to implement the decision of the Planning Board for the developer of the property and noted that Council cannot revisit the removal of trees in the context of a Developers Agreement.

Ms. Geevers inquired about a review of "PILOT" (payments in lieu of taxes) program with the Seminary.

Mr. Herbert noted that this is not a part of the Developer's Agreement.

Motion to approve: Morgan

Second: Geevers

RCV: NAY Ciccone
aye Geevers
aye Khanna
aye Morgan
aye Borek

2010-R091 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Note - Harvey Associates for the Project Known as Electronic Driver Alert Feedback and South Mill Road Signal Beacon

Mr. Morgan inquired as to what this project is and where will this be located.

Mr. Hary noted that this is a freestanding solar display that alerts drivers to their speed and it will be located near the trolley line and South Mill Road intersection.

Mr. Morgan questioned if this driver's alert sign is a necessity or a "want" especially due to the budget crunch at this time.

Mr. Hary acknowledged that this is part of the Traffic Safety Improvements-Hazard Mitigation program from the 2009 Capital Budget.

Motion to approve: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geever

aye Khanna

aye Morgan

aye Borek

2010-R093 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Remington & Vernick Engineers for the Project Known as Meadow Road and Canal Pointe Boulevard Traffic Signal

Mr. Morgan inquired about the location of this traffic signal.

Mr. Hary informed Mr. Morgan that the traffic signal would be located at Meadow Road and Canal Pointe Boulevard.

Motion to approve: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geever

aye Khanna

aye Morgan

aye Borek

Public Safety

2010-R096 Authorizing the Mayor and Clerk to Execute Renewal of the Professional Services Agreement with Weber's Training School for Boarding and Care of Stray Animals Taken into Custody by the Township Animal Control Officer

Ms. Ciccone inquired as to how the fees were negotiated for these contracts and if this service is something the Township could have as a shared service with Plainsboro.

Mr. Hary noted that the Chief of Police delegates and negotiates with the vendors for the Animal Control officer.

Mr. Borek questioned the role of the Animal Control Officer in regards to who is responsible for the fees when a pet is found without a collar and brought into the clinic. He also asked about the fees for dog spaying and whether the Township's responsibility to do procedures is going above and beyond.

Mr. Hary explained if a stray animal is picked up by the Animal Control Officer and in good health, the animal does not see a veterinarian. The animal is taken directly to Weber's and held for a period of seven days or until the owner picks them up.

Ms. Geevers asked if the Township recovers the cost when the owner picks up their pet.

Mr. Hary advised in the affirmative that the Township does recover the cost.

2010-R097 Authorizing the Mayor and Clerk to Execute Renewal of the Professional Services Agreement with Nassau Animal Hospital to Insure Veterinarian Services upon Request of the Township Animal Control Officer

2010-R098 Authorizing the Mayor and Clerk to Execute Renewal of the Professional Services Agreement with Princeton Animal Hospital to Insure Veterinarian Services upon Request of the Township Animal Control Officer

Motion to approve Resolutions 2010-R096, 2010-R097 and 2010-R098: Ciccone
Second: Geevers
RCV: aye Ciccone
aye Geevers
aye Khanna
aye Morgan
aye Borek

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

2010-R099 Authorizing the Person to Person and Place to Place
Transfer of the New Distribution Liquor License to
Trader Joe's East

Mr. Morgan questioned where the funds for the Liquor License go.

Mr. Herbert advised that funds go into the general fund.

Motion to approve: Ciccone
Second: Geevers
RCV: aye Ciccone
aye Geevers
aye Khanna
aye Morgan
aye Borek

INTRODUCTION OF ORDINANCES

2010-10 AN ORDINANCE AMENDING CHAPTER 165 "TAXICABS AND
VEHICLES FOR HIRE" OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST WINDSOR REGARDING THE
OWNERSHIP AND OPERATION OF TAXICABS, AND CHAPTER 82
"FEES", SECTION 82-21 "TAXICABS AND VEHICLES FOR HIRE;
LICENSE FEES"

Motion to introduce: Ciccone
Second: Geevers
RCV: aye Ciccone
aye Geevers
aye Khanna
aye Morgan
aye Borek

Public Hearing is scheduled for the May 17, 2010 Business Session.

Council Reports/Comments

Ms. Ciccone advised that the Environmental Commission has been working on getting West Windsor Township certified as a Sustainable New Jersey town; she also noted that the Environmental Commission's budget has been slashed to zero.

Ms. Geevers attended a Parking Authority meeting.

ADDITIONAL PUBLIC COMMENT

Mr. Guy Pierson, 241 Fisher Place, stated that he was disappointed in the passing of the Emergency Medical Services Ordinance and explained his reasoning. Mr. Pierson also inquired about age-restricted developments.

Mr. Herbert advised that what Mr. Pierson is referring to is a law called the Time of Decision Rule which was passed recently. He noted that the Township was opposed to the law, along with a number of other towns in New Jersey.

Mr. Morgan elaborated on the cost associated with the Emergency Medical Services Ordinance.

Mr. Alvin Lerner, 67 Rainflower Lane, asked for an update on the Wyeth property.

Mayor Hsueh advised that this property is excluded from Chapter 11 and there have been several inquiries from potential buyers.

Ms. Gerda Duffy, 132 South Mill Road, advised that she had sent letters out to each place of worship throughout the Township, suggesting that they may want to raise the issue of outsourcing of custodians within the school district and she was surprised that she had not received any responses but that she is still hoping for a positive ending.

CLOSED SESSION

Ms. Young 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 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 purpose of discussions of InterCap Litigation.

Motion to go into closed session at 8:50 p.m.: Morgan

Second: Geevers

VV: All ayes

MEETING RECONVENED

The meeting reconvened at 9:45 p.m.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Geevers

VV: All ayes

The meeting was adjourned at 9.46 p.m.

Sharon L. Young
Township Clerk
West Windsor Township