

APPROVED: April 6, 2010

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
FEBRUARY 16, 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: Geevers; 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

Mr. Paul Eland, 15 Coneflower Lane, spoke of Mr. Morgan's lawsuit and suggested that it be settled out of court.

Mr. Voytek Trela, 70 Bear Brook Road, mentioned that the residents of Walden Woods are working with the Council on Affordable Housing.

Mr. Michael Ogg, 337 Clarksville Road, spoke in regard to outstanding ADA issues in the Township.

Mr. Alvin Lerner, 67 Rainflower Lane, spoke of Mr. Morgan's lawsuit against the Mayor.

Ms. Stacy Karp, 37 Cartwright Drive, worked with Mr. Ogg on the survey of compliance with the Americans with Disabilities Act (ADA) and mentioned that the parks and tennis courts are not handicap accessible.

Ms. Janet Lerner, 67 Rainflower Lane, spoke about the budget process.

Mr. Mark Shallcross, 12 Jeffrey Lane, participated in the ADA compliance survey and spoke strongly in favor of the Township making some of the necessary changes.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh thanked the Fire, Police and Public Works Departments for the great job in handling the snow removal. Mayor Hsueh is working with the Parking Authority and New Jersey Transit for the construction of a parking garage.

Mr. Hary advised that he has received positive feedback with regard to the snow removal. Mr. Hary noted that the 2010 surplus for snow removal has been exhausted. He asked to walk-on two ordinances, one of which can enhance revenue for the Township.

COUNCIL MEMBER COMMENTS

Mr. Morgan spoke about business sign concerns and inquired if any other Council members were as interested in this issue.

Council agreed to proceed with Administration reviewing the sign ordinance as it relates to businesses.

Mr. Morgan stated that the residents who spoke tonight are misinformed about the issue of his lawsuit. A former prosecutor for Mercer County informed him that there are outstanding issues.

Mr. Khanna advised that he has received compliments of a job well done regarding the snow removal on Township roads. He also noted that Administration should be given a fair process to prepare the budget.

Ms. Ciccone commented on the excellent job done by all with the snow removal. Ms. Ciccone supports the review of the sign ordinance and the ADA compliance plan.

Ms. Geevers thanked all the departments involved in the snow removal process. Ms. Geevers inquired if the ADA compliance issue can be placed on the next agenda session for review and to allow Administration time for consideration. She spoke of Council's goals for the budget. Ms. Geevers advised that business owners with complaints should attend the next agenda session to review their concerns with Council.

CHAIR/CLERK COMMENTS

Mr. Borek thanked all who were involved in the snow removal process and spoke of identifying assistance to seniors with limited income for help with snow removal.

PUBLIC HEARINGS

2010-01 ORDINANCE AUTHORIZING THE ACQUISITION OF EASEMENTS FROM WEST WINDSOR REALTY TRUST BY EMINENT DOMAIN LOCATED ON BLOCK 10, LOTS 23, 24 AND 31 FOR THE PURPOSE OF ROAD IMPROVEMENTS, ROAD WIDENING, SIDEWALKS, DRAINAGE AND UTILITIES

Mr. Herbert offered an explanation of the three ordinances on the agenda for Public Hearing. He noted that there is an ongoing project to reconstruct Meadow Road and there was a need to obtain easements for road improvements.

Mr. Morgan advised that he was troubled by implications of using eminent domain and asked if pricing for the easement was discussed at a previous agenda session. He asked that Ordinance 2010-01 be tabled for further discussion.

Mr. Hary noted that there has been no feedback or willingness to negotiate from the West Windsor Realty Trust and that this was holding up the project.

Mr. Herbert advised that Ordinance 2010-01 will not have any impact on the redevelopment area.

Ms. Geevers advised that the delay could be costly to the Township.

President Borek opened the public hearing.

Motion to close public hearing: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Motion to adopt: Geevers

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

Morgan - abstain

aye Borek

2010-02 ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT
FROM PALLADIUM REALTY, LLC (MACK-CALI REALTY CORP.)
LOCATED ON BLOCK 9, LOT 12.03 AND BLOCK 9.03 LOT 12.02
FOR THE PURPOSES OF ROAD WIDENING, UTILITY AND
DRAINAGE

President Borek opened the public hearing.

Motion to close public hearing: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

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

2010-03 ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT
FROM PRINCETON LAND PARTNERS, LLC LOCATED ON BLOCK 9,
LOT 7.01 FOR THE PURPOSES OF ROAD WIDENING, UTILITY
AND DRAINAGE

President Borek opened the public hearing.

Motion to close public hearing: Morgan
Second: Geevers
RCV: aye Ciccone
aye Geevers
aye Khanna
aye Morgan
aye Borek

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

Discussion ensued about adding to the agenda capital improvement ordinance 2010-05 and ordinance 2010-06 regarding fire and emergency services. Mr. Hary reviewed the financial gain to the Township with regard to Ordinance 2010-06.

Mr. Morgan expressed concern about legal implications with Ordinance 2010-06 and noted that questions should be addressed at an agenda session.

Council agreed to defer introduction of Ordinance 2010-06 until March 1, 2010.

CONSENT AGENDA

RESOLUTIONS

2010-R039 Refund of overpaid sewer rent

2010-R040 Refund of Overpaid Property Tax

2010-R041 Authorizing the Appointment of Liz Von Autenried as Advisor to the Human Relations Council with a Term to Expire on December 31, 2010

2010-R042 Authorizing the Appointment of Paul Von Autenried as a Member to the Human Relations Council with a Term to Expire on December 31, 2010

2010-R043 Authorizing the Appointment of Lindsay Lott as Alternate I to the Affordable Housing Committee with a Term to Expire on June 30, 2011

2010-R044 Authorizing the Appointment of Jean Ward as Deputy Registrar of Vital Statistics for the Township of West Windsor

MINUTES

December 7, 2009 - Business Session as amended
January 19, 2010 - Closed Session

BILLS & CLAIMS

Motion to approve consent agenda as amended: Ciccone

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan*

aye Borek

*Mr. Morgan abstained from voting on the minutes; he was not in attendance at either meeting.

Items Removed from Consent Agenda

2010-R038 Refund of Overpaid Property Tax for 2009 that is
Farmland Assessed - 380 Hightstown Road

Mr. Borek inquired as to why the property is farmland assessed, and questioned whether the land is being leased for farming.

Mr. Hary noted that the property qualifies for assessment as farmland and received approval from the County.

Mr. Herbert stated that this was approved by the Tax Assessor and it is being actively farmed.

Motion to approve: Ciccone

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2010-R045 Authorizing 2010 Emergency Temporary Appropriation

Mr. Herbert pulled Resolution 2010-R045 because the resolution needed four votes in the affirmative for approval.

Motion to approve: Morgan

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

2010-R046 Authorizing the Business Administrator to Execute a Professional Services Agreement with Marcie Tyson for Public Health Education Services

COMMUNITY DEVELOPMENT

2010-R048 Authorizing the Business Administrator to Enter into an Agreement with the State of NJ, Department of Environmental Protection for the 2009 Business Stimulus Fund Grant - Woodland Stewardship Plan

2010-R049 Granting Reservation of Sewer Capacity for the Project Known as Princeton Theological Seminary-West Windsor Campus-Replacement Student Housing

2010-R050 Authorizing the Mayor and Clerk to Execute an Amendment to a Professional Services Agreement with Van Note-Harvey Associates for the Project Known as Penn Lyle Road Stormwater Management

PUBLIC SAFETY

2010-R052 Authorizing the Mayor and Clerk to Accept the Memorandum of Understanding with the New Jersey State Police Detect and Render Safe Task Force

Motion to approve Resolutions 2010-R046, 2010-R048 through 2010-R050 and 2010-R052: Khanna

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

2010-R047 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Piazza & Associates to Provide Affordable Housing Consultant Services

2010-R051 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering Associates for Miscellaneous Engineering Service

Ms. Ciccone raised policy concerns pertaining to resolutions 2010-R047 and 2010-R051 because they are professional services agreements. She stated that she understands the need to have the contracts in place and questioned how this would impact the budget since the Township does not have a budget in place for 2010.

Ms. Ciccone questioned if the street sweeper is absolutely necessary and if this was something that the Township could accomplish through shared services.

Mr. Hary noted that the sweeper is paid for from a previous capital budget. He also advised that there are no out-of-pocket expenses for the Township for Van Cleef's services; their services are paid through escrow funds.

Ms. Geevers inquired about outsourcing street sweeping services and also asked why only one bid was received for the street sweeper.

Mr. Hary noted that the price bid for the street sweeper is below budget. H.A. DeHart & Son Inc. is recommended and has a history with the Township.

Mr. Herbert suggested taking a vote on 2010-R047 and 2010-R051 and a separate vote on 2010-R053.

Motion to approve Resolutions 2010-R047 and 2010-R051: Ciccone

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

PUBLIC WORKS

2010-R053 Authorizing the Mayor and Clerk to Execute a Contract with H.A. DeHart & Son, Inc. for the Project Known as Provide a 2010 or Newer Regenerative Air Street Sweeper for the Township of West Windsor Department of Public Works

Motion to approve: Ciccone

Second: Khanna

RCV: aye Ciccone

NAY Geevers

aye Khanna

aye Morgan

aye Borek

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

2010-R054 Confirming that BRE/AmeriSuites Properties, LLC t/a Hyatt Place Princeton has been Determined to be the Pre-Qualified Bidder for the New Hotel/Motel Exception Plenary Retail Consumption License

Motion to approve: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Motion to add Ordinance 2010-05 to the agenda: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

INTRODUCTION OF ORDINANCES

2010-04 AN ORDINANCE ESTABLISHING THE WEST WINDSOR TOWNSHIP
MUNICIPAL ELECTIONS ON THE SAME DAY AS NOVEMBER
GENERAL ELECTIONS HELD AND EXTENDING THE TERMS OF
OFFICE FOR THE EXISTING MAYOR AND COUNCIL MEMBERS

Motion to introduce: Geevers

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Public Hearing for this ordinance will be held on March 1, 2010.

2010-05 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR PUBLIC
LAND MAINTENANCE AND OTHER RELATED EXPENSES IN OR FOR
THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE
OF NEW JERSEY APPROPRIATING THE AMOUNT OF
\$200,000.00

Public Hearing for this ordinance will be held on March 1, 2010.

Motion to introduce: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

COUNCIL REPORTS/COMMENTS

Ms. Geevers attended the February 9th School Board meeting and noted that the district continues to look for saving options for the upcoming school year budget. A public hearing will take place on March 31st at Grover Middle School to vote on the formal adoption of the budget.

Ms. Geevers noted that the Annual School Board Election will be held on April 20th. A resolution that endorses West Windsor-Plainsboro Athletic Foundation to raise funds for field lights at High School North and South with certain understandings was approved by the School Board. The School Board has assured that taxpayers will not be responsible for added costs such as the expense of the electricity.

Mr. Borek spoke about the budget and stated that these are difficult times in the State of New Jersey. He noted that there is legislation being introduced at the State House that can have implications on the Township in terms of formulating a budget. Mr. Borek noted that he would be attending a budget meeting at the State House on Wednesday, February 17, 2010.

Ms. Ciccone suggested being aggressive in supporting local businesses and brainstorm to attract new businesses to the area.

DISCUSSION ON ATTORNEY INVOICE

Mr. Morgan spoke about an invoice paid in August of 2009, which he feels was a personal expense of the Mayor and believes that Council should ask the Mayor to reimburse the Township.

Mr. Borek questioned if the material is the same material that was presented to the Mercer County Prosecutor.

Mr. Morgan stated that this was one of many that was presented to the Prosecutor.

Mr. Herbert stated that he and Mr. Morgan have different interpretations of what the facts are. The Prosecutor's office reviewed the issues and found no fault.

Mr. Morgan noted that personal issues cannot be mixed with criminal issues. He feels that the Mayor should reimburse the Township.

Mr. Borek stated that the issue was handled by the Mercer County Prosecutor's Office who found no wrongdoing.

Ms. Ciccone asked Mr. Morgan if he wishes to reverse the decision on the payment of the attorney invoice and if so, a vote should be taken.

A motion was made for the Mayor to reimburse the Township:

Morgan

Second: Borek

RCV: NAY Ciccone

NAY Geevers

NAY Khanna

aye Morgan

NAY Borek

ADDITIONAL PUBLIC COMMENT

Mr. Alvin Lerner, 271 Rainflower Lane, thanked Mr. Morgan for his comments. He noted that he and his wife take the time to come to the meetings because they are interested in the legislative process. He advised that he believes in bargaining in good faith to promote the common good.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

The meeting was adjourned at 8:58 p.m.

Sharon L. Young
Township Clerk
West Windsor Township