

APPROVED: March 1, 2010

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
January 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: Geevers; Council: Ciccone, Khanna; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Township Clerk: Young

ABSENT: Morgan

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Ms. Gerda Duffy, 132 South Mill Road, reminded the Council and residents that unless the residents, Council, and Mayor act quickly 125 West Windsor-Plainsboro maintenance staff may lose their jobs. She asked the Council and Mayor to use whatever influence they have with the Board of Education to prevent this layoff.

Ms. Silvia Ascarelli, 27 Melville Road, thanked the Mayor and Council on behalf of the West Windsor Bicycle and Pedestrian Alliance for the installation of bicycle and pedestrian signage throughout the Township.

CLOSED SESSION

President Borek requested a closed session to discuss the InterCap Holdings (IC/L-A Washington Road, LLC) litigation.

Motion to go into closed session at 7:08 p.m.: Ciccone  
Second: Geevers  
VV: All approved, Morgan - absent

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 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 as outlined in N.J.S.A. 10:4-12: For the discussion of litigation with InterCap Holdings.

MEETING RECONVENED

Meeting reconvened at 7:32 p.m.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh gave an update on the status of the Township budget for Council and advised that the New Jersey Department of Community Affairs has changed the date for delivery of the budget to Council from January 15<sup>th</sup> to March 19<sup>th</sup>.

Mayor Hsueh reported that he has been holding meetings with Mayors from the surrounding Townships to work on regional problems such as infrastructure. He also gave an update on area projects around the Township. Mayor Hsueh advised that the West

Windsor Parking Authority, staff, and professionals are working with New Jersey Transit on the proposed parking garage.

Mr. Hary gave an update on the fire at the Public Works Facility and advised that the Township's insurance will cover most of the damage. He reported that with the assistance of the Division of Engineering and Public Works Department it has been determined that a portion of the Pedestrian/Bicycle signs recently installed around the Township have been removed. He noted that 300 residents attended this past Sunday's H1N1 Clinic.

#### COUNCIL MEMBER COMMENTS

Mr. Khanna advised that he and Ms. Geevers attended the grand opening of the "Family Pharmacy" located on Old Trenton Road. He inquired if there is a brochure or checklist that can be given to new business owners to assist them through the Township process.

Mr. Hary reviewed the typical procedure that a new business coming into the Township would follow, and noted that he will meet with staff on this matter.

Ms. Ciccone voiced her support for Mr. Khanna's idea of a brochure or check list to assist new business owners. Ms. Ciccone noted that during her campaign she pledged to work towards a sustainable West Windsor and that although her resolution on establishing an ad hoc sustainability committee was not approved, she will continue to work with the Council and Administration to move forward in making the Township a sustainable community.

Ms. Geevers advised that as of January 1<sup>st</sup>, the Mercer County Improvement Authority has started single stream recycling whereby there is no need to separate recyclables and thereby reducing the cost to the Township by approximately \$177,000 over the three-year contract and will also help reduce emissions.

#### CHAIR/CLERK COMMENTS

President Borek requested that Mr. Hary contact the appropriate State agency to have the graffiti removed from the railroad bridge on Route One as previously reported. President Borek

advised that the Council made a commitment to the residents regarding the budget and that Council held a meeting in September and reviewed ideas with Administration on the process. He requested that Administration place a link on the Township web-site for residents to forward their questions/concerns regarding the budget to the Township.

Mr. Hary advised that residents already have the ability to address their concerns through the Township web-site.

Council suggested that residents attend the budget sessions to see the process and become involved. Council recommended that budget meetings be videotaped for rebroadcast and suggested the possibility of holding a budget session during the day to reduce the cost of staff having to attend night sessions.

Ms. Young advised the audience that the Township is aware of the low audio experienced during last week's Council meeting and that staff and Comcast are working on the problem.

Mr. Herbert advised that an ordinance would need to be adopted to allow the Township to move the Municipal Election from May to the November General Election.

Ms. Young advised that in addition to this change additional changes would have to be made within the Code Book for various committee/commission appointment terms.

President Borek inquired what the potential savings would be for the Township by making this change.

Ms. Young advised approximately \$50,000 every other year could be saved by moving the Municipal Election from May to November.

#### CONSENT AGENDA

#### RESOLUTIONS

2010-R022 Refund of Overpaid Property Taxes

2010-R023 Refund of Overpaid Sewer Rent

2010-R024 Authorizing the Appointment of Renu Khullar as  
Alternate II on the Affordable Housing Committee to  
Fill a Current Vacancy to Expire June 30, 2010

2010-R025 Authorizing the Appointment of Pawan Jain as a Member  
of the Affordable Housing Committee to Fill a Current  
Vacancy to Expire June 30, 2012

2010-R026 Authorizing the Appointment of Archana Lackey as a  
Member of the Affordable Housing Committee to Fill a  
Current Vacancy to Expire June 30, 2011

2010-R027 Authorizing a Refund for a Fence Permit - 7 Haskel  
Drive

BILLS & CLAIMS

Motion to approve consent agenda: Geevers

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

Morgan - absent

aye Borek

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2010-R028 Authorizing the Mayor and Clerk to Execute a Contract  
with NetQ Multimedia Company for the Replacement of  
the Current Telephone System for the Township Building  
and the Senior Center

COMMUNITY DEVELOPMENT

2010-R029 Authorizing the Business Administrator to Execute  
Change Order No. 1 to PM Construction for Final  
Adjustment and Project Closeout for the Project Known  
as Heatherfield Sanitary Sewer Extension - Phase 1

Ms. Ciccone requested that resolutions 2010-R030 through 2010-R033 be removed for further discussion.

Motion to approve resolutions 2010-R028 & 2010-R029: Geevers

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

Morgan - absent

aye Borek

2010-R030 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Remington, Vernick & Arango Engineers for Miscellaneous Engineering Services

2010-R031 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with James F. Parvesse for Consulting Engineer Services

2010-R032 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with T&M Associates for Miscellaneous Engineering Services

2010-R033 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers, Inc. for Miscellaneous Engineering Services

Ms. Ciccone thanked the consultants for keeping their prices the same as the past three years, but inquired what the budget limits are for these contracts especially since the budget will not be presented to Council until March.

Mr. Hary advised that these contracts are for miscellaneous engineering services which are usually paid through escrow accounts.

Council expressed their concerns regarding the contracts and noted that only one of the four has lowered their prices from the previous year. Members of Council requested that RFP's/ RFQ's for this type of service be done for 2011.

Mr. Hary advised that he will have the Engineering Division provide a report to include a two to three year history of services performed. He noted that the Engineering Division is

anticipating going out for RFP's/RFQ's in the spring or summer of this year.

Motion to approve resolutions 2010-R30 through 2010-R033:  
Ciccone

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

Morgan - absent

aye Borek

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

Cable TV Ordinance Update

President Borek advised that during the previous election campaign concerns were raised about candidates campaigning during public comment. He advised that he is looking for a simple solution to this matter.

Mr. Herbert advised that he will review this matter and draft a change to the ordinance for Council review.

Revising the Sign Ordinance

Ms. Ciccone advised that she reviewed the sign ordinance and she actually liked the fact that the ordinance allows for the placement of political signs in specific locations within the Township. She suggested adding the possibility of placing political signs in selected public main arteries. Ms. Ciccone advised that she understands the business community's need for advertising their businesses and suggested that the ordinance be amended to allow some type of temporary signage for these businesses.

Mr. Khanna advised that the Township needs to review the sign ordinance and try to be a little more sympathetic to the small business owners needs.

Ms. Geevers thanked Mr. Morgan for redlining the sign ordinance and advised that she agreed with Mr. Morgan that all temporary political signs should be placed not more than 30 days prior to

an election. She suggested making one timeframe for posting and removal of political signs for all the elections, and not have two timeframes one for local elections and another for all others. She inquired whether the signs currently on front lawns regarding the school issue would be covered under political signs.

Mr. Herbert advised that you cannot limit freedom of speech; however, those signs can also have a time limit imposed.

Discussion continued regarding sign sizes, placement along main arteries and specifying the main arteries that can be utilized for this purpose, limiting the number of signs in one area, and when the signage should be removed.

President Borek suggested having Mr. Surtees review the proposed ordinance and that Council can revisit this at a future agenda session.

#### Consultant Assistance in Cost Reduction through Methods of Improvement & Cost Reduction Goals

Mr. Khanna noted that he has a lot of confidence in Administration to prepare the budget, but would like to give Mr. Hary the ability to hire an outside consultant if necessary for this process. He also suggested a task force made up of residents be formed to review the budget and make suggestions.

Discussion continued among members of Council, Mr. Herbert and Mr. Hary on Mr. Khanna's suggestions and how to move forward with the budget.

Mr. Hary requested that Council review the 2010 budget when it is presented and then, if necessary, have further discussion on future budget concerns.

#### INTRODUCTION OF ORDINANCES

Mr. Herbert reviewed the three ordinances for the Meadow Road construction: Ordinance 2010-01 authorizes the Township to pay \$55,600 to the property owner and allows the Township to proceed with eminent domain if necessary; Ordinances 2010-02 and 2010-03 are for property whose owners are not seeking any compensation

from the Township for road improvements, road widening, drainage and utilities.

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

Motion to introduce: Geevers

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

          Morgan - absent

aye Borek

Public Hearing for this ordinance is scheduled for the February 16, 2010 Business Session.

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

Motion to introduce: Geevers

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

          Morgan - absent

aye Borek

Public Hearing for this ordinance is scheduled for the February 16, 2010 Business Session.

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

Motion to introduce: Geevers

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

          Morgan - absent

aye Borek

Public Hearing for this ordinance is scheduled for the February 16, 2010 Business Session.

COUNCIL REPORTS/COMMENTS

Ms. Ciccone reported that the Environmental Commission is developing a list of projects for 2010. She advised that the Planning Board denied an application for sub-dividing a lot at 15 Remington Circle after fire damaged the entire home.

Ms. Geevers reported that the West Windsor-Plainsboro Board of Education has hired a company to prepare specifications for the possible outsourcing of the maintenance staff.

ADDITIONAL PUBLIC COMMENT

Ms. Gerda Duffy, 132 South Mill Road, inquired if her sign has to be removed from her property at this time and what is the process for placing flyers on car windshields.

ADJOURNMENT

Motion to adjourn: Geevers  
Second: Ciccone  
VV: All approved - Morgan, absent

The meeting was adjourned at 9:28 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township