

APPROVED: August 2, 2010

WEST WINDSOR TOWNSHIP COUNCIL
AGENDA SESSION
June 14, 2010

CALL TO ORDER: President Borek called the meeting to order at 7:05 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 (arrived 7:13 p.m.), Morgan; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Township Clerk: Young

FLAG SALUTE

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Ms. Nantanee Koppstein, 7 Suffolk Lane, voiced her support for Resolution 2010-R130 which allows the Recreation Department to apply for grant funding under the Recreation Opportunities for Individuals with Disabilities Grant Program.

Mr. Alvin Lerner, 67 Rainflower Lane, voiced his support of Resolution 2010-R131 requesting West Windsor to be considered for Transit Village designation.

Ms. Joan Nester, 7 Fieldston Road, voiced her support of Resolution 2010-R130 and noted that as a parent of an adult with Down syndrome there are few activities for her son to participate in since he has graduated from high school. She notes this grant is very important to her son.

Ms. Roshni Shibad, Girl Scout Troop 70672, spoke of the importance for West Windsor Township to obtain Sustainable Jersey designation.

Ms. Jessica Rockoff, 28 Suffolk Lane, voiced her support of Resolution 2010-R130 and expressed the need for recreational facilities for individuals with disabilities.

Ms. Hope Corman, 28 Suffolk Lane, requested Council to approve Resolution 2010-R130 and noted that this has been a group of individuals who for many years has been underserved in the community. She noted there are very few social and recreational opportunities for them and this grant will allow them to interact in the community.

Mr. Michael Hornsby, Chairman, Environmental Commission, voiced his support for the Township to continue moving forward with the certification process for Sustainable New Jersey. He recommended that resolutions 2010-R133 and 2010-R134 be approved this evening. Mr. Hornsby noted that additional resolutions will be needed as the process moves forward. He advised that at a future Council meeting a broader overview of the complete program will be presented.

Mr. Martin Rosen, Member of the Environmental Commission, noted he is here this evening to strongly endorse Resolutions 2010-R133 and 2010-R134 and advised that these resolutions formalize the Township's commitment to making West Windsor a sustainable community.

FOR ACTION

CONSENT AGENDA

Resolutions

2010-R129 Authorizing Refund for Development Plan Review
Projects

Minutes

May 3, 2010 - Agenda Session

Mr. Morgan requested that all the minutes with the exception of the May 3rd Agenda Session be pulled. He also requested that the bills and claims be pulled.

Motion to approve the consent agenda as amended: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

2010-R130 Authorizing 2011 Recreational Opportunities for
Individuals with Disabilities Grant Application

Mr. Morgan advised that these families need the Township's support and voiced his approval for this worthy cause.

Ms. Geevers voiced her support of Resolution 2010-R130 and thanked the parents for coming out this evening and expressing their opinions.

Ms. Ciccone voiced her support and noted that one of the elements within sustainability is social sustainability which ensures that everyone can grow and thrive within their community.

Mr. Khanna voiced his support of the resolution and noted that the accomplishments these individuals have attained are tremendous.

President Borek acknowledged his support of the programs sponsored by the Township.

Motion to approve Resolution 2010-R130: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

MINUTES

April 30, 2010 - Budget Work Session #2 - as amended
May 10, 2010 - Budget Work Session #3 - as amended
May 10, 2010 - Closed Session

Mr. Morgan inquired where the amendments are for the May 17th closed session minutes and requested that these minutes be pulled until the June 28th Business Session.

Motion to approve minutes as amended: Morgan

Second: Ciccone

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

BILLS AND CLAIMS

Mr. Morgan inquired about several items on the bill list.

Mr. Hary provided answers to Mr. Morgan's inquiries and requested that these items be forwarded to him prior to the night of the meeting so that he can be prepared to provide thorough answers.

Motion to approve bills and claims: Morgan

Second: Ciccone

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

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS:

RESOLUTIONS

ADMINISTRATION

Mr. Hary requested that resolution 2010-R123A be added to the agenda for action this evening. He noted that the 45 day delivery date requested by Council at the June 1st meeting can not be met because the vendor, per the bid specifications, requires 90 to 120 days for delivery.

Ms. Ciccone noted her concern was to have it delivered as soon as possible.

Motion to add resolution 2010-R123A to the agenda: Ciccone

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Mr. Morgan requested that resolution 2010-R131 be pulled.

Ms. Ciccone requested that resolution 2010-R135 be pulled from the agenda for further discussion.

Ms. Young requested that resolution 2010-R136 be pulled for further explanation.

2010-R123A Authorizing the Mayor and Clerk to Execute a Contract with Century Industries, LLC for the Project known as Provide a Century Industries Model # MSM3200 Showmaster 3000 Series Mobile Sound Shell Stage or Brand Equivalent for the Township of West Windsor Division of Parks and Recreation

2010-R132 Authorizing the Mayor and Clerk to Execute a Developer's Agreement with Daniel A. Schwartz

2010-R133 Authorizing the Commitment to Pledge Continuation and Expand Sustainable Land Use Planning and Practices within West Windsor Township in Support of an Application for Certification under the Sustainable Jersey Program

2010-R134 Authorizing the Commitment to Promote Green Building Practices within West Windsor Township in Support of an Application for Certification under the Sustainable Jersey Program

Mr. Morgan thanked the many volunteers who are working on the Sustainable New Jersey certification and noted it is a very worthy project for the Township. He voiced his support of both resolution 2010-R133 and 2010-R134.

Ms. Ciccone advised that having served on both the Planning Board and as the liaison to the Environmental Commission, she knows how hard these volunteers have worked on the certification process and she advocated that this will provide a better future for West Windsor.

Motion to approve 2010-R123A, 2010-R132, 2010-R133 and 2010-R134: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

2010-R131 Authorizing the Commitment to Support the State of New Jersey Transit Village Designation for the Princeton Junction Transit Village

Mr. Morgan voiced his concern regarding why Council has not had a conversation regarding this resolution prior to being placed on an agenda for a vote. He noted that he is not opposed, but wants to make an informed decision on this matter. Mr. Morgan also noted his apprehension as to whether this resolution could have an impact on the current litigation for this area.

Mr. Herbert advised it would have no impact on the current litigation.

Mr. Hary advised that this resolution is procedural and will allow the Township to apply for grant funding from various sources.

Mayor Hsueh voiced his support of the resolution and encouraged Council to move forward.

Ms. Geevers noted that the Redevelopment Plan has been approved, and that once this resolution is passed it will provide more assistance to the Township.

Mr. Morgan advised that this Council did not designate this as a Transit Village but as a redevelopment area.

Mayor Hsueh noted that in order for the Township to apply for grant funding this resolution needs to be acted upon.

Discussion continued. Council requested that Administration provide a copy of the applicable grants.

Mayor Hsueh agreed to provide the grant information to Council as soon as it was available.

Mr. Morgan noted for the record that he supports the idea; however, he has not received sufficient information to vote in favor of it at this time.

Motion to approve: Ciccone

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

NAY Morgan

aye Borek

2010-R135 Authorizing the Mayor and Clerk to Execute a Contract with Musco Sports Lighting, LLC for the Project Known as "Provide a Sports Field Lighting Package for the Township of West Windsor Community Park - Softball/Baseball Fields"

Ms. Ciccone inquired about a delivery date for this project and inquired why it was not in the contract.

Mr. Hary advised that he will review the bid specs and report back to Council on the timetable. He noted that preparation work needs to be completed so that the lighting will be installed for the Fall sport season.

Motion to approve: Ciccone

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

CLERK

2010-R136 Authorizing Renewal of Liquor Licenses within West Windsor Township from July 1, 2010 through June 30, 2011

Ms. Young advised that this resolution was revised from the previous version to remove the renewal of the distribution license for Wegman's Food Markets and the consumption license for Mac Acquisition doing business as Romano's Macaroni Grill. She noted that an objection was filed against the renewal of the Wegman's distribution license. Ms. Young advised that she removed Mac Acquisition because their new tax clearance certificate has not been received from the State.

Motion to approve: Ciccone

Second: Morgan

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

FOR DISCUSSION

Mayor/Administrator

Union Negotiations Update

Mr. Hary advised that this discussion would take place in a closed session prior to the start of the June 28th Business Session.

COAH Resolution Discussions

Mr. Hary reported that he has a memorandum for distribution from the West Windsor Arts Council for review. He advised that he has had several discussions with Mr. Muller, the Township's Planning Board Attorney, and Mr. Benner, the Township Tax Assessor on this matter and has come up with the following:

- A letter will be sent to the sixteen homeowners asking them if they want to convert to market rate units or remain as affordable units.
- The letter would also have an estimate of what the taxes would be if the property was converted to a market rate unit.
- Residents would sign the letter committing to either alternative and then the Township will proceed with their chosen option.
- The Township would file the appropriate paperwork for those residents choosing to remain as an affordable unit for 30-year restriction.

Mr. Hary advised that the Township has met with COAH to discuss the matter and to find the best solution for all parties. He noted that a resolution would be need to be adopted to memorialize the commitment.

Discussion continued on whether this was the appropriate way to proceed. Members of Council voiced their concerns to include the need for two separate resolutions. The first resolution to formalize that the units would remain as affordable units in the Third Round until 2018, and the second resolution supporting COAH's decision with regard to the 30-year deed restriction for Walden Woods.

Discussion ensued regarding the two options for residents and how this would impact the Township.

Mr. Hary requested a consensus of Council on going forward with the plan outlined in his memorandum.

Mr. Voytek Trela, 70 Bear Brook Road, voiced his opinion on Administration's memorandum.

A short discussion between members of Council continued.

Consensus of Council to have Administration proceed as outlined in the June 13, 2010 memorandum: Ciccone

Second: Khanna

RCV: aye Ciccone

Geevers - abstain

aye Khanna

NAY Morgan

aye Borek

Mr. Hary advised that he will provide an update on this at the June 28th Business Session.

COUNCIL MEMBER/CLERK

Clarity of the Process for the Health Care Benefits

Mr. Hary reported that legislation was recently enacted requiring all government employees not currently under Union contract to pay 1.5% of their salary for health benefits. He noted that all employees not covered by a Union contract will have this percentage taken out of their pay checks, and that as Union contracts expire those employees will also begin paying into this fund.

Mr. Morgan inquired about the reserves within our current health policies, and referred to his June 30th 2009 e-mail regarding Local Finance Notice 2009-13 and the Government Accounting Standards Board GASB Statement 45 on reporting requirements for post employment benefits. He requested a copy be provided to Council for review.

Mr. Hary advised that this report will be part of the 2009 Audit.

Discussion ensued regarding the GASB Statement 45 numbers and when they should be available.

President Borek respectfully requested that Council be given this information as soon as it is available.

Professional Services Policy

President Borek advised that this item is being pulled to allow Administration time to review the submitted documents.

ORDER OF THE AGENDA AMENDED

Cable TV Advisory Board

Mr. Morgan advised that the Township's current cable TV channel is an education/government access channel. He advised that in the past the Cable TV Advisory Board reviewed programs to be placed on the channel, but that currently this committee is not active.

Mr. Morgan advised that if the Mayor has decided to discontinue this committee the Township Code should reflect the changes made to the Cable TV Advisory Board. He also noted that there is a Government Channel Committee which includes a representative from Council, the Mayor or Mayor's designee, and the Chair of the Cable TV Advisory Board. Mr. Morgan asked if this Committee was to continue operating per the Township Code.

Mr. Hary advised that the Mayor has discussed this with the Council and made a formal Government Channel Committee consisting of the Council President or designee, the Mayor or designee, and the Business Administrator. He noted that the Mayor did not agree that a change to the Township Code was necessary at this time.

Discussion ensued regarding the Cable TV Advisory Board and whether a change to the code is necessary and how to proceed going forward.

Mr. Morgan suggested abolishing the Cable TV Advisory Board and going forward with the Government Channel Committee.

President Borek suggested that members of Council could draft an update to the Code and then have the Attorney review for form. He requested Mr. Morgan to forward his draft to Council and Administration for review and comment.

Mr. Morgan and Mr. Borek will work on the necessary revisions.

Ms. Ciccone advised that as part of the upcoming reorganization she has spoken with Mr. Hary and requested that he prepare Administration updates on follow-up items and Mr. Hary has agreed to do this. She noted that she is currently working with the Clerk and Administration to clean up the follow-up list.

ORDER OF AGENDA RESUMED

Reimbursement Policy

Ms. Geevers advised that a single rate for mileage reimbursement should be used for all the union negotiations.

Mr. Morgan noted that the policy drafted by Ms. Geevers and himself is to apply to everyone. He outlined the policy that was drafted for discussion.

Ms. Ciccone made recommendations to strengthen the language regarding the reimbursement for meals.

Mr. Herbert noted that the reimbursement for meals should be a Township policy and not included in the Code.

Mr. Hary advised caution when making recommendations for the creation of a reimbursement policy due to the form of government in West Windsor Township. He informed Council that it makes sense to provide the vehicle allowance versus the mileage rate reimbursement. Mr. Hary noted that this type of discussion will take place during the Union negotiations.

Mr. Herbert noted that Council has the right to form budgetary policies. He also advised that Council can give Administration direction as far as what should be negotiated in the union contract discussions.

Mr. Morgan advised that the Township has a non-accountable plan in place for the Internal Revenue Service.

Mr. Hary noted that once something appears in writing it becomes parameters for Union contract negotiations. He strongly urged Council to keep this fact under consideration.

Council agreed that their position is to eliminate the municipal car allowance and use mileage reimbursement as the alternative.

Mr. Hary advised that Council's recommendations for meal reimbursements are too high.

President Borek noted that the Mayor is willing to set up parameters before an individual can be considered eligible for a car allowance.

Ms. Geevers reminded Administration that the discussion of a formal reimbursement has been the most recycled topic since she has been on Council. She advised that the support of the Business Administrator is needed to work on what will be beneficial for the Township policy.

Ms. Ciccone suggested memorializing the reimbursement in the form of a resolution so that updates can be made as circumstances change.

Ms. Geevers also recommended using a resolution as the form to adopt a reimbursement policy.

Mr. Morgan advised that the policy should be in ordinance form for permanent documentation.

Mr. Herbert offered to work on the reimbursement policy for Administration and asked Council to e-mail all their suggestions to him.

Resolution for Protection of Wetlands

Ms. Ciccone reviewed the draft resolution and advised that it holds those parties responsible for the damage made to the wetlands due to the oil spill in the Gulf of Mexico.

Ms. Geevers offered to provide additional input for the resolution.

Council supported the resolution and the revised version will be on the next Business Session agenda.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary provided the Council with an update on road projects within the Township.

COUNCIL COMMENTS

Mr. Morgan spoke of requests made to both the Mayor and Administration that have never been answered and are being ignored.

Mr. Khanna noted that Ms. Ciccone is attempting to work with all the members of Council and Administration to achieve common goals.

Ms. Ciccone advised Council and Administration that there will be three meetings a month for Council. She explained two meetings will be strictly for business and the third is for an agenda session to review upcoming requests. Ms. Ciccone informed Council that no one should be surprised by anything that appears on an agenda.

Ms. Geevers suggested having only one Business Session to reduce the number of meetings per month.

COUNCIL REPORTS

Ms. Geevers noted that the Parking Authority is awaiting plans from New Jersey Transit for the redevelopment area.

Ms. Ciccone noted her enthusiasm for working toward the certification of the New Jersey Sustainability Program.

CLOSED SESSION

Motion to go into closed session at 10:45 p.m.: Geevers

Second: Morgan

VV: All approved; Ciccone abstained and recused herself from the closed session discussions due to a conflict of interest.

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 contract negotiations pertaining to the West Windsor Arts Council lease for the old fire house.

MEETING RECONVENED

Meeting reconvened at 11:00 p.m. to extend the clock for fifteen minutes.

Motion to extend the clock till 11:15 p.m.: Geever

Second: Morgan

RCV: Ciccone - absent

aye Geever

aye Khanna

aye Morgan

aye Borek

CLOSED SESSION

The closed session meeting with Council continued discussion of contract negotiations.

MEETING RECONVENED

Meeting reconvened at 11:10 p.m.

PUBLIC COMMENT

None.

ADJOURNMENT

Motion to adjourn: Geevers

Second: Khanna

VV: All ayes, Ciccone absent

The meeting was adjourned at 11:10 p.m.

Sharon L. Young
Township Clerk
West Windsor Township