

APPROVED: December 20, 2010

WEST WINDSOR TOWNSHIP COUNCIL
AGENDA SESSION
November 15, 2010

CALL TO ORDER: Vice President Khanna called the meeting to order at 7:06 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 on July 7, 2010 and Princeton Packet on July 9, 2010; filed with the Clerk of the Municipality; and posted in the West Windsor Township Municipal Building at North Post and Clarksville Roads.

ATTENDEES: Vice President: Khanna; Council: Borek, Geevers, Morgan; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Deputy Township Clerk: Huber

ABSENT: Ciccone

PUBLIC COMMENT

Mr. Alvin Lerner, 67 Rainflower Lane, voiced his concern about the linkage of agenda items on the Township web-site.

FOR DISCUSSION

Mayor/Administrator

Acquisition of Affordable Housing Unit

Mr. Hary requested that a resolution for the purchase of an affordable housing unit at Windsor Ponds be put on the November 22nd agenda for action. He advised that this unit is in foreclosure and Administration would like to purchase this property so that the Township does not lose affordable housing credits.

Mr. Herbert advised that his office is currently working with the Windsor Ponds Condominium Association regarding outstanding fees for this unit.

Mr. Morgan voiced his concern about affordable housing obligations and the 30-year restrictions and advised that the Township should prevent a unit from going back to a market rate unit whenever possible. Mr. Morgan noted he supports the recommendation by Administration for acquiring the property. He advised that the Township should be working on a plan now rather than later on how to maintain affordable housing units within the Township.

Ms. Geevers voiced her concern about changing the unit from a low-income unit to a moderate-income unit. She questioned the amount of funds spent to date on the process and who is responsible if the unit utilities are not working efficiently.

Mr. Herbert advised that all costs should be recovered from the sale of the unit.

Mr. Hary noted that the unit price is \$88,000.

Mr. Herbert noted there are funds available through the Affordable Housing Trust Fund to complete the minor repairs.

Discussion continued among members of Council regarding the purchase of the unit.

Council agreed to have this item placed on the November 22, 2010 Business Session.

Fee Ordinance Review

Mr. Hary reviewed the proposed fee ordinance before Council.

Mr. Morgan noted he supports the proposed fee ordinance.

Ms. Geevers voiced her concern with some of the fees being increased.

Mr. Hary advised that when Administration looks at increasing fees they compare the surrounding municipalities' fees with the Township's proposed fee increases. He noted that all of the fee increases are local ordinance fees which the Township has the ability to increase.

Ms. Geevers inquired about the new section regarding tattoo parlors.

Mr. Hary advised that this is being added because over the past five years there are costs associated with these establishments. He advised that these fees are comparable to surrounding municipalities.

Mr. Borek voiced his concern about the increase of fees for WaterWorks Community Pool.

Administration requested that this be placed on the November 22, 2010 Business Session for Introduction.

Appointment of Board of Assessors for Heatherfield Development

Mr. Hary noted that these appointments are necessary to complete the process for the Heatherfield Development sewer project. He requested that this resolution be placed on the November 22, 2010 agenda.

Mr. Herbert advised that the cost for each homeowner has been established by the Township Engineering Division and currently the Tax Assessor is in the process of reassessing the properties. He noted that Mayor Hsueh has requested these three individuals be appointed to the Board. Mr. Herbert advised that a hearing will be scheduled and a study undertaken by the Assessor. A report will be submitted to the Council for their review and approval.

Mr. Morgan advised that he supports all three of the appointments.

Ms. Geevers advised that it is very important to move the process forward.

Budget Discussions

Mr. Hary advised that the biggest challenge is the decrease in revenues. He noted that Administration is currently in the process of putting the budget together and that he wants to incorporate recommendations from the efficiency study once

received. Mr. Hary noted that the increase in fees will help with increasing revenues, and that all five union contracts are up for renegotiation.

Vice President Khanna inquired about a timeline for the budget process.

Mr. Hary advised that the budget is due to Council under New Jersey State Statute by January 15th, 2011, unless the Department of Community Affairs revises the date as happened in 2010. He noted that it is Administration's goal to have the budget introduced and approved as early as possible in 2011.

Mr. Morgan noted there are two issues that need to be addressed by Administration. First is Council's requests for additional information on budget items and he noted that Council usually does not receive them because of staff challenges, and secondly, Council needs to see the information about medical expenses that has been requested. He noted that if the medical expense information was received, it would help Council tremendously. Mr. Morgan noted that during the cable discussions there were several suggestions made regarding possible revenue sources and suggested that this be talked about at a future session.

Ms. Geevers noted that each year the budget has been received late and she would like to have it by January 15th.

Mr. Hary advised that some Townships actually introduce the budget once received, work on the necessary changes, and then schedule a public hearing.

Vice President Khanna advised that the efficiency study should help with some of the issues with the budget.

Ms. Geevers advised that union contracts need to be discussed in depth.

Mr. Borek advised that he is waiting for the budget process to start and that the Township is going to face more challenges than last year. He noted that the sooner Council receives the budget the faster these matters can be addressed.

Vice President Khanna advised that one of the issues last year was the terminologies used within the budget discussions, for example, tax levy versus tax rate and these items should be addressed early in the budget process.

Mr. Hary advised he will work on the various requests from Council for the 2011 budget process.

COUNCIL MEMBER/CLERK

Cable TV Ordinance

Mr. Hary advised that there was a meeting with Mr. Steve Goodell, Mr. Charles Morgan, and Ms. Linda Geevers. He noted that there will be a draft ordinance submitted for discussion and introduction at a future Council meeting.

Mr. Morgan advised that Ms. Pat Ward was also in attendance at the meeting. He highlighted some of the proposed changes and noted that a draft ordinance would be available.

Council requested that this item be placed on the December Agenda Session for further discussion with introduction in January of 2011.

West Windsor Bicycle and Pedestrian Alliance Resolution

Mr. Hary advised that Mr. Foster, President of West Windsor Bicycle and Pedestrian Alliance had submitted a draft resolution regarding the Route 571 project. He noted that this project has been going on for decades and that Council has previously approved and forwarded a resolution supporting the project to the County. Mr. Hary advised that the Township will work with the Alliance to ensure that their concerns are addressed and noted that the Township appreciates all their help. He noted however that the County is currently in the process of seeking State and Federal funding for this project.

Mr. Herbert advised that the Council worked for three years on a redevelopment plan and that some of these items might be addressed at the Planning Board level as the Windsor Plaza application proceeds.

Mayor Hsueh advised that currently the project is being reviewed by the State and Federal governments for funding. He requested that this resolution be tabled until the funding is secured.

Mr. Morgan advised that the Township cannot do everything at once and does not want to hurt the funding possibilities. He noted he supports Mayor Hsueh and Mr. Herbert's request to table this discussion until a later date.

Ms. Geever suggested tabling the resolution until the funding is in place for this project.

Mr. Borek noted it is important to address the concerns of residents, but the Township also has to work with other agencies to receive funding for the project. He explained that once the funding has been received the Township can then work with the Bicycle and Pedestrian Alliance on the final plan.

REDEVELOPMENT DISCUSSION

Mr. Herbert advised that Council has met on several occasions over the past year with Mr. Muller and Mr. McManimon regarding the InterCap litigation. He reported that a proposed Settlement Agreement will be on the agenda for discussion at the November 22nd Business Session. Mr. Herbert noted that Council will receive renderings of what is proposed and details of the Settlement Agreement. Mr. Herbert advised that the Township has requested a visual presentation by InterCap Inc. at the meeting and if the Settlement Agreement is approved it would end the litigation with InterCap.

Mayor Hsueh advised that once approved by the Township Council, Judge Feinberg will have to finalize the agreement.

Mr. Morgan advised that the School District is currently experiencing a decrease in the school population and that previously Mr. Katz, a School Board member at the time, had advised that the redevelopment would not produce enough children to warrant additional schools within the district. He noted that there is going to be a lot of concern from the community regarding the number of housing units proposed. Mr. Morgan suggested that Council and Administration be prepared to address these concerns. Mr. Morgan advised that he is satisfied that

the proposed Settlement Agreement is the best solution for the community.

Ms. Geevers advised that several issues have been raised and that the Township needs responses to be ready for the public. She suggested that she and Mr. Morgan work with Administration to package the documents for public review.

Mr. Herbert noted that one of the things he suggested to Council President Ciccone was to have Mr. Madden and Mr. Davies available at the November 22nd Business Session. Mr. Herbert suggested having Mr. Madden and Mr. Davies in attendance during the presentation from InterCap to assist in outlining the Settlement Agreement and to address any questions or concerns.

Vice President Khanna commended Mr. Herbert for successful negotiations and advised that everyone needs to work together to get this litigation resolved.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary advised that the Planning Board has held two meetings pertaining to Windsor Plaza with a third scheduled for November 30th and noted that these meetings are progressing well. He explained that the Rite Aid Developers have received all their approvals but are still having some issues regarding the hydraulics at the old gas station.

Mr. Hary advised that the Township will be receiving the Silver Award for Sustainable New Jersey at the New Jersey League of Municipalities conference. He advised that only four communities in the State have achieved this level. Mr. Hary noted that the Township is eligible for an Engineering Award along with T&M Associates for the microtunneling that was completed along Meadow Road. He announced that weather permitting the road improvement program will be moving forward this year with completion on these projects in the spring.

COUNCIL COMMENTS

Ms. Geevers thanked Ms. Huber for her continued contributions to the Annual Veterans Day Ceremony.

Ms. Geevers advised that the "Toolkit" resolution will be discussed at the December Agenda Session and requested that if there are any proposed changes to the resolution, these changes be sent to Council and the Clerk's Office for inclusion in the agenda packet. Ms. Geevers noted that she feels all Council Business Sessions should be held in Room A versus outside of the building due to the work involved in setting up outside meetings.

Mr. Borek also thanked Ms. Huber for her hard work at the Veterans Day Ceremony and noted that although we are losing veterans each year, public participation is increasing. He advised that this past Saturday he spent a good portion of the day traveling along Route One picking up illegal signs. Mr. Borek asked Administration to hold these individuals responsible.

Mr. Hary advised that Administration receives a list weekly of signs picked up by Public Works staff throughout the Township. He noted that the Township does not have the staff on weekends to pickup the signs and noted that it is sometimes difficult to find the owner of record for the signs.

Discussion ensued regarding the process for the InterCap settlement.

Mr. Herbert advised that the settlement is contingent upon several factors to include going before Judge Feinberg. He reviewed the process.

PUBLIC COMMENT

Mr. Jerry Foster, 15 Suffolk Lane, President West Windsor Bicycle and Pedestrian Alliance voiced his disappointment that the resolution for pedestrian and bicycle improvements along Route 571 was tabled and the reasons why. He noted his concerns regarding the current plan.

Mr. Alvin Lerner, 67 Rainflower Lane, voiced his concerns with tabling the proposed resolution by the West Windsor Bicycle and Pedestrian Alliance and inquired if the resolution has been reviewed for compliance with the current plan.

Mr. John Church, 11 Princeton Place, noted that he would be very interested in seeing the details of the InterCap plan prior to the Business Session on November 22, and noted his concerns with the proposed fee ordinance.

Mr. Herbert addressed Mr. Church's concerns and questions.

Mr. Voytek Trela, 70 Bear Brook Road, voiced his concerns regarding the purchase of the affordable housing unit in Windsor Ponds.

ADJOURNMENT

Motion to adjourn: Borek

Second: Morgan

VV: All ayes, Ciccone - absent

The meeting was adjourned at 8:50p.m.

Sharon L. Young
Township Clerk
West Windsor Township