

APPROVED: November 22, 2010

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
October 18, 2010

CALL TO ORDER: President Ciccone 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 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: President: Ciccone; Vice President: Khanna; Council: Borek, Geevers, Morgan; Mayor: Hsueh (arrived at 7:30 p.m.); Business Administrator: Hary; Township Attorneys: Herbert and Goodell (arrived at 7:15 p.m. and left at 8:15 p.m.); Township Planner: Madden (arrived at 7: 55 p.m.); Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

President Ciccone advised that Council will be holding a closed session to discuss InterCap litigation and noted that land acquisition will not be discussed this evening.

PUBLIC COMMENT

Mr. Pete Weale, 144 Fisher Place, noted that he was against closed session meetings to discuss land acquisitions and inquired about the date the 2011 budget would be available to the public. He also asked about several other topics and noted his concerns.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary acknowledged that Windsor Plaza will be discussed this week at the planning board meeting. He advised that Mr. Dobromilsky, Township's Landscape Architect and the Environmental Commission received notification that West Windsor received the Silver Level of Certification for the Sustainable Jersey Program.

COUNCIL MEMBER COMMENTS

Ms. Geevers advised of an overgrown area which needed some upkeep located at Rabbit Hill Road and Route 571.

Mr. Morgan inquired about the urgency to pass a resolution to obtain grant funding for the redevelopment area.

Mr. Hary explained that the funding was for the Transit Village and Administration wanted to get the grant application in as soon as possible in the hope of obtaining the funding. Mr. Hary noted that Administration has not been advised whether they have been awarded funding. He will keep Council informed on the situation.

Mr. Morgan asked for Administration to provide the date the grant application was submitted.

President Ciccone congratulated both Mr. Dobromilsky and the Environmental Commission on receiving the silver designation for the Township.

CONSENT AGENDA

RESOLUTIONS

2010-R229 Refund of Overpaid Property Taxes

2010-R230 Refund of Fee for Construction Permit# 20100819-16
Colt Circle

2010-R231 Refund of Fee for Street Opening Permit# 2010-09-16
Worcester Lane

2010-R232 Refund of Fee for Street Opening Permit#2010-05-5
Benford Drive

2010-R233 Refund of Well Permit Fee to Kaye Well Drilling-4 Dey
Farm Road

2010-R234 Refund of Fee for Retail Food Plan Review to Wegmans
Food Market

Motion to approve Consent Agenda as amended: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

ITEMS REMOVED FROM CONSENT AGENDA

BILLS & CLAIMS

Mr. Morgan inquired about the reimbursement of travel allowance to the Mayor that was listed on the Bills and Claims. He asked if the Mayor would waive this fee.

Mr. Hary advised that the reimbursement was not for travel but reimbursement for the cost for a seminar.

Motion to approve Bills and Claims: Khanna

Second: Geevers

RCV: aye Borek

aye Geevers

aye Khanna

NAY Morgan

aye Ciccone

RECOMMENDATIONS FROM ADMINISTRATION

2010-R235 Authorizing the Insertion of the 2010 State Body Armor
Replacement Fund Grant in the 2010 Budget

2010-R236 Authorizing the Mayor and Clerk to Execute the Agreement to Renew the Township's Membership in the Mid Jersey Municipal Joint Insurance Fund from January 1, 2011 through January 1, 2014

2010-R238 Authorizing the Mayor and Clerk to Execute a Contract with Techna-Pro Electric, LLC for the Full Color Electronic LED Message Sign at the Ron Rodgers Arboretum-\$49,402

2010-R239 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with 39/41 Hightstown Road, LLC AKA Rite Aid

2010-R240 Authorizing the Mayor and Clerk to Execute a Developer's Agreement with 39/41 Hightstown Road, LLC AKA Rite Aid

2010-R241 Authorizing the Mayor and Clerk to Execute a Contract with Scheideler Excavating Company, Inc. for Snow Removal Services for November 1, 2010 through October 31, 2011

2010-R242 Authorizing the Purchase of 2011 Model 348 Peterbilt Dump Truck with Plow and Spreader under the Middlesex County Cooperative Purchasing Program-\$152,713

Motion to approve Resolutions 2010-R235, 2010-R236 and 2010-R238 through 2010-R242: Borek

Second: Khanna

RCV: aye Borek
aye Geever
aye Khanna
aye Morgan
aye Ciccone

2010-R237 Authorizing the Mayor and the Clerk to Execute a Contract with Arawak Paving Company for the Annual Road Improvement Program-\$516,400

Mr. Morgan advised that this road improvement was discussed during the Capital Budget discussion and was approved by Council. He advised that continued road improvements throughout the Township are a smart management practice.

Ms. Geevers inquired about the date the work was to be done.

Mr. Hary advised that the project would begin this Fall, weather permitting, and the remainder of the project would be completed in the Spring.

Motion to approve: Morgan

Second: Borek

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

INTRODUCTION OF ORDINANCES

2010-23 ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT FROM GHO VENTURES LOCATED AT BLOCK 6, LOT 64 FOR THE PURPOSE OF SIDEWALK INSTALLATION

Motion to introduce: Morgan

Second: Borek

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

The Public hearing will be held on November 8, 2010.

2010-24 ORDINANCE AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY
AND A SLOPE EASEMENT FROM TRUSTEES OF PRINCETON
UNIVERSITY LOCATED AT BLOCK 4, LOT 6

Motion to introduce: Borek

Second: Morgan

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

The Public hearing will be held on November 8, 2010.

COUNCIL REPORTS/COMMENTS/RECOMMENDATIONS

Cable TV Ordinance Revisions

Mr. Goodell outlined the four components to the cable TV ordinance:

- Chapter 59 - codifies Comcast franchise which expires in 2016
- 2006 Verizon Bill - amends the way cable TV franchises are negotiated
- Chapter 60 - policies and procedures for the cable TV channel
- Interlocal Agreement with the School Board and West Windsor Township - outlines each party's responsibilities for the station

Mr. Goodell reviewed the Cable TV Advisory Board's responsibilities and noted that the Council could streamline the committee and the process and also better organize the order of the codification.

Mr. Morgan advised that the cable TV channel is a government and education channel and not a government access channel. He outlined the difference between the two types of channels and spoke about putting programming on for such groups as the Arts Council and Election debates that are held by third parties. He suggested that a list be created of programs that would be allowed to be aired on the channel. Mr. Morgan noted that the number of members on the Advisory Board needs to be reduced.

Mr. Goodell explained that it is up to Council to determine who they want running the cable TV station. He advised that currently there are nine volunteers who report to the Government Channel Committee.

Ms. Geevers suggested that the Advisory Board be reduced to five members: the Mayor or designee, two Council members and two members of the public. She explained that the Mayor and Council can each choose their representative from the public.

Mr. Morgan suggested amending the Code to eliminate the Government Channel Committee.

Motion to reduce the Cable TV Advisory Board to five members: Mayor or designee, two Council Members and two members of the public, and eliminate the Government Channel Committee: Geevers
Second: Morgan

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

Mr. Hary suggested changing the wording in section 4-59 C. from "oversee" to "advise".

Mr. Goodell suggested restructuring the rules and regulations to make them clearer and also recommended that Council have an in-depth discussion on the types of programming that will be acceptable for viewing on the channel.

President Ciccone recommended that Mr. Morgan, Ms. Geevers, Mr. Hary, and Mr. Goodell work together to work out the remaining details on the ordinance and have a draft available for review at the November 15 Agenda Session.

Mr. Goodell outlined a few additional issues for Council consideration and inclusion in the revised ordinance.

Analysis of Capital Ordinance Revisions for Redevelopment

Mr. Hary outlined the details of the analysis of expenditures distributed to Council.

Mr. Morgan inquired about the expenditures, revenue, and the balance of the analysis.

Mr. Hary reviewed the revenue and the expenditures to date noting that \$111,741.82 was left in the redevelopment budget.

Ms. Geevers inquired about McManimon and Scotland's fees and asked to have a breakdown of the expenses.

Mr. Morgan inquired about the invoices for Mr. Herbert and Mr. Muller with regard to the InterCap litigation.

Mr. Herbert explained that those invoices were billed to their respective litigation accounts.

COUNCIL REPORTS/COMMENTS/RECOMMENDATIONS

Mr. Borek spoke about cars that were parked in the Arboretum during an event at the High School. He recommended that the School Board make other provisions for parking on the night of an event.

Ms. Geevers inquired if commuters were allowed to park at the old Acme site.

Mayor Hsueh explained that the owners of the Acme site do not have the resources to monitor the situation. He advised that it will be more closely evaluated once construction on the center begins.

Mr. Morgan provided an update on the Parking Authority meeting and asked about the legality of the residents on Wallace Road advertising commuter parking on their property for a fee. He asked if this was permitted use under the Township zoning.

Mr. Hary advised that he would have someone look into the situation and report back to Council.

Mr. Khanna noted that the feasibility study was on schedule and would provide an update to Council in the near future.

ADDITIONAL PUBLIC COMMENT

Mr. Alvin Lerner, 67 Rainflower Lane, inquired about PNC Bank credit card services and how would the change affect West Windsor Township.

Mr. Hary explained that PNC Bank had a change to their regulations and service and as of January 1, 2011, they will no longer be able to accept credit cards for the payment of property taxes.

Mayor Hsueh noted that he has been speaking with PNC representatives and they are considering adding a fee to the credit card payments to allow homeowners the option to continue to pay by credit card.

Mr. David Bivins, 7 Berkshire Drive, inquired if the credit card fee would apply to the use of debit cards.

CLOSED SESSION

Motion to go into closed session at 8:35 p.m.: Morgan

Second: Borek

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

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(s) as outlined in N.J.S.A. 10:4-12: For the discussion of InterCap litigation.

MEETING RECONVENED

Meeting reopened at 9:29 p.m.

ADJOURNMENT

Motion to adjourn: Borek

Second: Khanna

VV: All approved.

The meeting was adjourned at 9:29 p.m.

Sharon L. Young
Township Clerk
West Windsor Township