

APPROVED: November 8, 2010

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
September 7, 2010

CALL TO ORDER: President Ciccone called the meeting to order at 7:10 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 on July 7, 2010. The Closed Session was noticed on August 24, 2010 to discuss IC/L-A Washington Road, LLC Litigation.

ATTENDEES: President: Ciccone; Council: Borek, Geevers, Khanna, Morgan; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert (left at 7:10 p.m.) and Cayci (arrived at 6:45 p.m.); Township Clerk: Young

FLAG SALUTE

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. Pete Weale, 144 Fisher Place, asked Council to look at the various areas of the Township which need improvements. He also spoke about bond ordinance 2010-18, the expense reimbursement policy, and an article in the Trenton Times.

Mr. Marty Rosen, 10 Greene Drive, spoke in favor of ordinance 2010-16 and the Green Building Practices checklist. He advised that he was also in favor of passing 2010-R211 which supports ecologically sustainable communities.

Mr. Voytek Trela, 70 Bearbrook Road, inquired about the letter that was supposed to be sent to the residents of Walden Woods pertaining to the deeds to their homes. He noted that he believed the Township was discriminating against the residents.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Presentation by the West Windsor Bicycle and Pedestrian Alliance

Mr. Jerry Foster, President of the West Windsor Bicycle and Pedestrian Alliance, provided a brief presentation for Council to review the accomplishments for 2009 and the goals for 2010. He outlined the reasons for building a bicycle and pedestrian friendly community.

Ms. Geevers inquired about whether he had the opportunity to work with the schools to improve better safety for bike routes.

Mr. Morgan thanked Mr. Foster for his informative presentation and asked if bicyclists should observe all safety rules such as riding in the same direction as traffic flow. He asked if these safety issues were being taught at the schools.

Mr. Foster suggested that the schools provide much more bicycling education throughout the district during their driver education classes. He encouraged the need for complete streets to support bicycle and pedestrian safety.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary advised Council of the following events and issues:

- 9/11 Memorial Service
- Mobile stage will be available for delivery on September 13th
- Clarksville Road reconstruction was completed prior to the children going back to school

COUNCIL MEMBER COMMENTS

Mr. Morgan spoke about the Township falling into the worst of the categories for the "Best Practices" checklist. He also asked for a report on the status of the grants approved in June for redevelopment.

President Ciccone advised that the "Best Practices" checklist will be discussed at the September 20th Business Session.

Mr. Morgan spoke about a chart provided by Administration with regard to the Fund Balance and advised that the Fund Balance is not a tool to moderate the Township taxes. He also spoke about Mr. Herbert's comments made at the June 28, 2010 meeting with regard to Mr. Herbert potentially exceeding his cap for his services. Mr. Morgan noted that the cap is not meaningful if it meant that the Township would not receive full legal services once the cap has been reached.

CHAIR/CLERK COMMENTS

Mr. Khanna spoke about the efficiency study that is being done by the Township which will review performance by department.

President Ciccone advised that the County was in charge of the Clarksville repaving project. She spoke of safety being an issue at many of the Township's crosswalks and noted that Chief Pica will be attending the September Agenda Session to provide a report. President Ciccone commented that Council will be holding budget discussions in October. She also spoke about the Rite Aid and Ellsworth properties and asked if the Township could force the property owners to progress with the clean up of their properties. President Ciccone asked Administration to have discussions with the property owners.

PUBLIC HEARINGS

2010-15 AN ORDINANCE AUTHORIZING THE ACQUISITION OF A RIGHT-OF-WAY FROM ANTHONY F. LAPLACA, JR. LOCATED ON BLOCK 7, LOT 9.01 FOR THE PURPOSES OF ROAD WIDENING, SIDEWALK INSTALLATION, AND INSTALLATION AND MAINTENANCE OF IMPROVEMENTS

President Ciccone opened the public hearing.

Motion to close the public hearing: Morgan

Second: Borek

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

Motion to adopt: Borek

Second: Morgan

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

2010-16 AN ORDINANCE AMENDING PART II, "GENERAL LEGISLATION,"
CHAPTER 200, LAND USE, PART 1, SITE PLAN REVIEW,
ARTICLE V, "GENERAL PERFORMANCE STANDARDS" OF THE CODE
OF THE TOWNSHIP OF WEST WINDSOR (2010) BY ADDING A
REQUIREMENT TO PREPARE AND SUBMIT A GREEN BUILDING
PRACTICES CHECKLIST CONCURRENT TO THE REQUIRED
SUBMISSION OF A PRELIMINARY ENVIRONMENTAL IMPACT
STATEMENT

President Ciccone opened the public hearing.

Motion to close the public hearing: Morgan

Second: Borek

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

Ms. Geevers encouraged developers to use sustainable materials and apply sustainable practices wherever possible.

President Ciccone acknowledged the Planning Board Members for the work that they put in to developing this ordinance.

Motion to adopt: Geevers

Second: Borek

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

2010-17 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR CAPITAL
IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR FOR THE
TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF
NEW JERSEY APPROPRIATING THE AMOUNT OF \$20,000

President Ciccone opened the public hearing.

Motion to close the public hearing: Morgan

Second: Khanna

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

Ms. Geevers noted that the amount of \$20,000 listed in the ordinance comes from pool user fees.

Motion to adopt: Borek

Second: Morgan

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

2010-18 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS OF THE TOWNSHIP OF WEST WINDSOR, IN THE
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE
AGGREGATE AMOUNT OF \$4,722,165 THEREFOR AND AUTHORIZING
THE ISSUANCE OF \$4,497,300 BONDS OR NOTES OF THE
TOWNSHIP TO FINANCE PART OF THE COST THEREOF

President Ciccone opened the public hearing.

Mr. Alvin Lerner, 67 Rainflower Lane, advised that he supports the issuance of the bond for the projects listed in the text of the ordinance.

Mr. Morgan inquired about some of the items listed in the bond ordinance only having a useful life of five years. He asked if this practice is appropriate for bonding.

Mr. Hary noted that Administration can bond up to twenty years for particular items.

Mr. Morgan disagreed with the use of the bonds and asked the Attorney to direct Bond Counsel not to issue bonds that do not exceed 11.5 years as a condition of approval.

Ms. Cayci noted that this type of change for the current ordinance would be a substantive change and therefore require a second public hearing.

Mr. Hary advised that both the Bond Counsel and the Assistant Chief Financial Officer determine the best practices for the Township's financial stability. He also spoke about the funding and the useful life for decommission of the Duck Pond Pump Station, and the road improvements to the Alexander Road "S" curve.

President Ciccone asked Council if they would like to defer the public hearing so that Administration could provide further information to answer their questions.

Mr. Morgan inquired about the Township's policy on managing the bond process.

Council agreed to defer Ordinance 2010-18 until the September 13 Agenda Session for further discussion, and hold the Public Hearing open until the September 20 Business Session where a final vote will be taken.

CONSENT AGENDA

RESOLUTIONS

2010-R194 Approval to Submit an Electronic Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation under Roadway Infrastructure Projects for the Roszel Road Resurfacing Project

- 2010-R195 Approval to Submit an Electronic Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation under Roadway Infrastructure Projects for the New Village Road Resurfacing Project
- 2010-R196 Approval to Submit an Electronic Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation under Bikeway Projects for the Edinburg Road Bike Lanes Project
- 2010-R197 Approval to Submit an Electronic Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation under the Safe Streets to Transit category for the Dinky Line Trail Extension Project

MINUTES

June 28, 2010 - Business Session
July 19, 2010 - Business Session
August 2, 2010 - Closed Session

Motion to approve consent agenda as amended: Borek
Second: Khanna
RCV: aye Borek
aye Geevers
aye Khanna
aye Morgan
aye Ciccone

ITEMS REMOVED FROM THE CONSENT AGENDA

BILLS & CLAIMS

Mr. Morgan asked for additional information previously requested regarding the mileage reimbursement.

Mr. Hary advised that he did not have the information available this evening.

Motion to approve Bills & Claims: Borek

Second: Khanna

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

RECOMMENDATIONS FROM ADMINISTRATION

2010-R198 Authorizing 2011 Municipal Alliance Grant Application

2010-R199 Authorizing the Execution of Change Order No. 1 to New Jersey Barn Company for the Project known as Repair and Reassembly of the Schenck Farm Wagon (Carriage) House Timberframe

2010-R200 Authorizing the Mayor and Clerk to Execute a Contract with Kyle Van Dyke and Associates for the Architectural and Management Services for the Restroom Project at the Schenck Farm

2010-R201 Authorizing the Mayor and Clerk to Execute a Contract with Arnolds Roads, Inc. for the North Post Road and Alexander Road Sidewalk Extension

2010-R202 Authorizing the Mayor and Clerk to Execute a Contract with Lucas Construction Group Inc. for Reconstruction of Alexander Road "S" Curve Project

2010-R205 Granting the Full Release of Performance Guarantees Associated with Carnegie Center West Building 701 Patio to Boston Properties (PB08-11)

2010-R206 Denying the Request for the Release of Performance Guarantees Associated with Carnegie Center West Building 701 (PB07-07)

2010-R207 Granting a Permit from the West Windsor Township Fire Marshal to the Italian American Association for Fireworks on September 25, 2010 (Rain Date September 26, 2010)

2010-R208 Authorizing the Purchase through New Jersey State Contract A69872 from Cherry Valley Tractor Sales for a 2010 Brush Bandit Model 250 Chipper for the Department of Public Works

2010-R209 Authorizing the Mayor and Clerk to Execute a Two-Year Contract with Britton Industries, Inc. for the Acceptance and Disposal of all Brush and Leaves Generated within the Township

Motion to approve 2010-R198 through 2010-R202 and 2010-R205 through 2010-R209: Khanna

Second: Borek

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

2010-R203 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Remington & Vernick Engineers for Reconstruction of Alexander Road "S" Curve Project

2010-R204 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Remington & Vernick Engineers for the North Post and Alexander Roads Sidewalk Extension

Ms. Young asked Administration about whether they had received all of the proper documentation for the professional services agreements which was previously missing.

A five minute recess was taken for verification of the appropriate paperwork for both the professional services agreements for Remington and Vernick Engineers.

Ms. Young noted that the documentation was not provided by the Engineering Division.

Ms. Cayci advised that the agreements should not be signed by the Mayor or the Clerk until all the necessary paperwork was received by the Clerk's office.

Motion to approve 2010-R203 and 2010-R204: Khanna

Second: Borek

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

INTRODUCTION OF ORDINANCES

2010-19 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR VARIOUS
CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR
FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER,
STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF
\$1,167,381.78

Motion to introduce: Borek

Second: Morgan

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

The Public Hearing will be held on September 20, 2010.

2010-20 AN ORDINANCE AMENDING CHAPTER 150 OF THE
ADMINISTRATIVE CODE OF THE TOWNSHIP OF WEST WINDSOR,
COUNTY OF MERCER, STATE OF NEW JERSEY, ENTITLED
"STORMWATER POLLUTION PREVENTION PLAN (SP3), ARTICLE
vii "REFUSE" CONTAINERS/DUMPSTERS"

Motion to introduce: Geevers

Second: Khanna

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

The Public Hearing will be held on September 20, 2010.

2010-21 AN ORDINANCE SUPPLEMENTING SECTION 200-4B OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR, RELATING TO "DEFINITIONS" FOR THE REGULATION OF LAND USE

Motion to introduce: Borek

Second: Morgan

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

The Public Hearing will be held on September 20, 2010.

COUNCIL REPORTS/COMMENTS/RECOMMENDATIONS

2010-R210 Authorizing the Person to Person and Place to Place Transfer of the Hotel/Motel Exception Consumption License to Hyatt Corporation which will now encompass the Outside Pool and Patio Area

Motion to approve: Borek

Second: Morgan

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

2010-R211 Resolving to take Steps with regard to the Township's Municipal Land-Use Decisions with the Intent of Making West Windsor an Ecologically Sustainable Community

Motion to approve: Borek

Second: Geevers

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

2010-R212 Adopting a Policy on Travel and Meal Reimbursement for
Township Officials and Employees

Mr. Hary outlined the information contained in the resolution and how it will affect Union contract negotiations. He advised that Council should not pass this resolution.

President Ciccone discussed each "Whereas" separately.

Council offered suggestions and language changes for setting the policy.

Mr. Hary noted his concerns and advised that this resolution will affect only ten Township employees who currently receive a car allowance.

Ms. Geevers suggested that these individuals should make it a priority to use a Township car when possible.

Mr. Khanna noted that Council is not taking into account the extra bookkeeping that will be required and this cost would eliminate any savings that could be achieved.

President Ciccone advised that the Resolution can always be amended in the future.

Ms. Geevers inquired about those individuals who would exceed the mileage and therefore make a car allowance more cost effective.

Mr. Hary noted that day-to-day operations make it difficult to manage the availability of Township vehicle.

Discussion ensued about reimbursement for meals and differentiating between conference costs and the cost for meals at seminars and classes.

President Ciccone noted that the Mayor will still receive a monthly car allowance or choose to use a per mileage rate.

Mr. Morgan advised that the Mayor should not be submitting additional expenses such as the cost for parking if he is receiving a car allowance.

President Ciccone asked for a motion to approve the amended reimbursement policy.

Mr. Morgan noted that he would make a motion only for the purpose of placing the resolution on the table. He advised that he would want the Mayor to also abide by this reimbursement policy.

Motion to approve as amended: Morgan

Second: Ciccone

RCV: aye Borek

aye Geevers

NAY Khanna

aye Morgan

aye Ciccone

Ms. Geevers advised that the Planning Board spoke about the Economic Development Plan as an element of the Master Plan during their meeting. She reviewed other items discussed at their meeting.

Mr. Khanna advised that he will be meeting with the various consultants to decide on one vendor to perform the efficiency study for the Township. He asked members of Council to forward any questions they may have for him to address with the vendors.

President Ciccone appreciated all the Council input pertaining to Resolution 2010-R212 which led to a vote by Council. She advised Council of a few upcoming items and a closed session meeting that will be occurring in the month of October.

ADMINISTRATION UPDATES

Mr. Hary spoke of the grants previously approved by the Council for the Transit Village. He advised that receiving a grant is very competitive and he wanted to get the documents to the State as soon as possible to potentially have a better chance to receive the grants.

President Ciccone spoke of the letter from Administration that will be sent to the Walden Woods residents. She noted that no one from the Township is discriminating against the residents and the letter will be forthcoming.

PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, proposed that Mr. Hary prepare a detailed budget analysis for travel expenses for the Council to review prior to next year's budget.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Borek

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

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

Sharon L. Young
Township Clerk
West Windsor Township