

APPROVED: November 22, 2010

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
September 20, 2010

CALL TO ORDER: President Ciccone 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 on July 7, 2010

ATTENDEES: President: Ciccone; Vice President: Khanna; Council: Borek (arrived at 7:55 p.m.), Geevers; Business Administrator: Hary; Township Attorney: Herbert; Township Clerk: Young

ABSENT: Morgan

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Presentation by the Friends of West Windsor Open Space

Ms. Alison Miller, President of the Friends of West Windsor Open Space, provided the Council with a PowerPoint presentation which detailed the objectives of Friends of West Windsor Open Space. She noted that FOWWOS is a 501(c)(3) non-profit corporation.

President Ciccone thanked Ms. Miller and the members of Friends of West Windsor Open Space for the services they provide for the community.

Ms. Geevers recommended that the Township consider a consultant for additional expertise and assist in appraisals.

Ms. Miller addressed Ms. Geevers' concerns and noted that FOWWOS does have funds for such consultants.

Mr. Khanna asked if West Windsor Township has reached its peak in purchasing Open Space.

Ms. Miller advised that one of FOWWOS's goals is to preserve stream corridors and watersheds and to purchase a dedicated greenbelt.

Mr. David Siegel, 17 Berrien Ave., advised that trail walks are a future activity for FOWWOS.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary advised that the West Windsor Arts Council Grand Opening is being held on Saturday, September 25th between 11:00 a.m. and 3:00 p.m.

CHAIR/CLERK COMMENTS

President Ciccone asked Mr. Hary to have the budget for Redevelopment available for discussion at the October 4th Business Session. She also acknowledged that she is excited about the Grand Opening of the Arts Council and advised that it will be a bright spot in the community. President Ciccone commended the Environmental Commission and Mr. Dan Dobromilsky on obtaining the 1,400 points needed to meet the Sustainable New Jersey Plan deadline.

ORDER OF AGENDA AMENDED

President Ciccone deferred the Public Hearing for ordinance 2010-18 until Mr. Borek arrives for the meeting.

PUBLIC HEARINGS

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

President Ciccone opened the public hearing.

Mr. Bruce MacDonald, 108 Yardville-Allentown Road, inquired whether Township employees or private contractors will do the work required for the capital ordinance and asked about prevailing wages.

Mr. Hary advised that the work is being done by private contractors at prevailing wages.

Mr. Herbert noted that prevailing wages are set by the Unions and may be contested in a State Court of Law.

Ms. Alison Miller, 41 Windsor Drive, inquired if funding was made available to make the sidewalks contiguous along Penn Lyle Road.

President Ciccone advised that the gaps in the sidewalk on the side of the High School on Penn Lyle Road would be made contiguous.

Mr. David Siegel, 17 Berrien Ave., asked if the sidewalks at the roundabout would be connected to the sidewalks along North Post and Alexander Roads.

Mr. Hary advised that he is not sure if that project is included in this ordinance.

Motion to close public hearing: Geevers

Second: Khanna

RCV: Borek - absent

aye Geevers

aye Khanna

Morgan - absent

aye Ciccone

Motion to adopt: Geevers

Second: Khanna

RCV: Borek - absent

aye Geevers

aye Khanna

Morgan - absent

aye Ciccone

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"

President Ciccone opened the public hearing.

Mr. Bruce MacDonald, 108 Yardville-Allentown Road, inquired
about the stormwater prevention plan.

Mr. Hary explained that waste gets into the waterway and the
Township is interested in preserving surface waters.

Motion to close public hearing: Geevers

Second: Khanna

RCV: Borek - absent

aye Geevers

aye Khanna

 Morgan - absent

aye Ciccone

Motion to adopt: Geevers

Second: Khanna

RCV: Borek - absent

aye Geevers

aye Khanna

 Morgan - absent

aye Ciccone

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

President Ciccone opened the public hearing.

Motion to close public hearing: Khanna

Second: Geevers

RCV: Borek - absent

aye Geevers

aye Khanna

 Morgan - absent

aye Ciccone

Motion to adopt: Khanna
Second: Geevers
RCV: Borek - absent
aye Geevers
aye Khanna
Morgan - absent
aye Ciccone

CONSENT AGENDA

Resolutions

2010-R213 Refund of Fees for the Use of the Senior Center by the
West Windsor Arts Council

2010-R214 Approving the Insertion of the 2010 Over the Limit
Under Arrest Grant in the 2010 Budget

Minutes

August 2, 2010 - Business Session
August 9, 2010 - Agenda Session
August 16, 2010 - Business Session (as amended)
August 16, 2010 - Closed Session (as amended)

Bills & Claims

Motion to approve consent agenda: Geevers
RCV: Borek - absent
aye Geevers
aye Khanna
Morgan - absent
aye Ciccone

RECOMMENDATIONS FROM ADMINISTRATION

2010-R215 Authorizing West Windsor Township to Cooperate with
the County of Mercer to Develop and Effectuate a
Transfer Plan to Assume Full Operation of the Township
General Assistance Program Effective January 1, 2011

Mr. Hary stated that Council had raised questions with regard to the transfer. He added that the transfer of the duties would not cause a burden to West Windsor Township clients.

President Ciccone inquired about transportation of residents to Trenton if needed.

Mr. Hary noted that most of the clients are elderly and living with their adult children who could provide transportation and there would be little or no need for this service to the County office.

President Ciccone asked what the savings per year would be and if the West Windsor Township bus could be used if needed.

Mr. Hary advised that the savings is approximately \$10,000 to \$15,000 per year and the West Windsor Township bus could be used.

Motion to approve: Geevers

Second: Khanna

RCV: Borek - absent

aye Geevers

aye Khanna

Morgan - absent

aye Ciccone

2010-R216 Granting the Request for a Full Release of Performance Guarantee to Princeton Wireless Inc. Associated with the Commercial Development Known as Princeton Wireless, Cingular (ZB-04-03SP)

2010-R217 Granting the Request for a Full Release of Performance Guarantee to Brinker International for On the Border Mexican Café (PB97-02)

2010-R218 Granting the Request for a Full Release of Performance Guarantee to Boston Properties for the Site Restoration for the Project known as Carnegie Center Building 206 (PB89-13)

2010-R219 Authorizing the Mayor and Clerk to Execute an Amendment to a Contract with Van-Note-Harvey Associates for the Project known as Community Park Parking Lot Expansion

2010-R220 Authorizing the Mayor and Clerk to Execute a Second One-Year Extension of the Contract with Aquatic Service Inc. for the Closing, Opening, Painting and Seasonable Maintenance of the West Windsor WaterWorks from September 2, 2010 through Labor Day 2011

Motion to approve Resolutions 2010-R216 through 2010-R220:

Geevers

Second: Khanna

RCV: Borek - absent

aye Geevers

aye Khanna

Morgan - absent

aye Ciccone

INTRODUCTION OF ORDINANCES

2010-22 AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THEREOF - Bus Driver

Mr. Herbert explained that because the Bus Driver's position is permanent, an ordinance is necessary.

Ms. Geevers asked if the position is to be part of collective bargaining unit.

Mr. Herbert advised that it could be if the Union came forth.

Motion to introduce: Geevers

Second: Borek

RCV: aye Borek

aye Geevers

aye Khanna

Morgan - absent

aye Ciccone

Public Hearing for this ordinance is scheduled for the October 4, 2010 Business Session.

ORDER OF AGENDA AMENDED

PUBLIC HEARING CONTINUED

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

The Public Hearing was held open from the September 7, 2010 Business Session for further discussion at the September 13, 2010 Agenda Session, and final vote at September 20, 2010 Business Session.

President Ciccone re-opened the public hearing.

Mr. David Siegel, 17 Berrien Ave., asked Administration to list the larger items that are included in the bond.

Mr. Hary noted that road improvements, decommission of the Duck Pond Run Pump Station, pedestrian and bicycle improvements and vehicles for Public Works are included in the bond ordinance.

Motion to close public hearing: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Khanna

Morgan - absent

aye Ciccone

Motion to adopt: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Khanna

Morgan - absent

aye Ciccone

ADDITIONAL PUBLIC COMMENT

Mr. Ron Slinn, 17 Fieldston Rd., acknowledged that Ms. Lynn Thornton is retiring and the staff at the Senior Center is honoring her with a celebration on September 24th and would like Council to recognize her great service.

Mr. David Siegel, 17 Berrien Ave., advised of the road closure of Alexander Road for the Grand Opening of the Arts Center on September 25th.

CLOSED SESSION

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 and Open Space Acquisition.

Motion to go into closed session at 8:02 p.m.: Borek

Second: Khanna

RCV: aye Borek

aye Geevers

aye Khanna

Morgan - absent

aye Ciccone

THE MEETING WAS RECONVENED AT 8:55 P.M.

ADJOURNMENT

Motion to adjourn: Borek

Second: Khanna

RCV: aye Borek

aye Geevers

aye Khanna

Morgan - absent

aye Ciccone

The meeting was adjourned at 8:55 p.m.

Sharon L. Young
Township Clerk
West Windsor Township