

APPROVED: February 13, 2012

WEST WINDSOR TOWNSHIP COUNCIL  
AGENDA SESSION  
December 12, 2011

CALL TO ORDER: President Khanna called the meeting to order at 6:30 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 January 7, 2011 and the Closed Session was noticed on December 7, 2011.

ATTENDEES: President: Khanna; Vice President: Ciccone; Council: Borek; Geevers, Morgan; Council-Elect: Maher, Samonte; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Township Engineer: Guzik; Landscape Architect: Dobromilsky; Deputy Township Clerk: Huber

PUBLIC COMMENT

None

CLOSED SESSION

Motion to go into closed session at 6:32 p.m.: Ciccone

Second: Morgan

RCV: Borek (arrived at 6:52 p.m.)

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

Ms. Huber 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 potential litigation with DR Horton/Village Grande, and various Union contract negotiations.

MEETING RECONVENED

Meeting reopened at 7:05 p.m.

SALUTE TO THE FLAG

Ms Huber led the flag salute.

PUBLIC COMMENT

Mr. Quentin Walsh, 4 Petty Road, Plainsboro handed out a budget analysis compiled by him and voiced his concern with the School Board's budget. He urged the Council to support reductions within the school budget for the 2012/2013 year.

Ms. Toby Shor, 39 Grande Blvd, noted that the Village Grande Homeowners' Association has not been able to receive their water permit from the Department of Environmental Protection and requested assistance from the Township on this matter.

Ms. Kim White, 54 Montgomery Street, again requested that Ms. Roeds' position of Animal Control Officer be reinstated.

Ms. Nancy Bennett, 29 Fieldston Road, requested that Ms. Roed be reinstated and noted that the current level of services provided are not the same as they used to be.

Mr. Pete Weale, 144 Fisher Place, reminded Council about his suggestion to cut 10 million dollars from the school budget last year after the voters had turned the budget down. He shared pictures he had taken of illegal signage across the Township and again inquired why this has still not been resolved.

FOR ACTION

CONSENT AGENDA

Resolutions

2011-R232 Authorizing the Refund to Shylender Kothakonda for Payment of a Temporary Retail Food Establishment License-\$80.00

2011-R233 Authorizing the Refund to Rite Aid of NJ Inc. Store #462 for Overpayment of a Retail Food Establishment License-\$40.00

Bills and Claims

Motion to approve consent agenda: Borek

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geever

aye Morgan

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION AND CLERK

RESOLUTIONS

2011-R230 Authorizing the Mayor and Clerk to Execute an  
Amendment to the Professional Services Agreement with  
Remington & Vernick Engineers for Emergency Vehicle  
Pre-Emption Equipment Project - \$2,925

Motion to approve: Geevers

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

2011-R234 Authorizing the Mayor and Clerk to Execute a Land  
Development Performance Guarantee Agreement with The  
Trustees of Princeton University

2011-R235 Authorizing the Mayor and Clerk to Execute a Contract  
with Bucks County International & Trius, Inc. for the  
Purchase of a 2012 Single Axle Dump Truck Through New  
Jersey State Contract A78847 T2754 for the Department  
of Public Works - \$117,291.00

Motion to approve 2011-R234 and 2011-R235: Borek

Second: Morgan

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

2011-R236 Authorizing the Person to Person Transfer of Liquor  
License for Hyatt Place #1113-36-015-001 from  
BRE/Amerisuites Properties LLC to Noble I/HY Princeton  
Op Co. LLC

Mr. Morgan inquired about the transfer and if the Township mandates that are currently in place will apply.

Ms. Huber advised that the rules previously approved will remain in place and that this license follows the hotel/motel exception.

Motion to approve: Morgan

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary advised that a bypass was constructed to have the sewer flow continue around the Wallace Road sewer line breakage. He noted that Public Works is currently working on cleaning the line and determining the extent of the damage. Mr. Hary advised that excavation and shoring of the area is necessary and that currently he does not have a cost for the repairs. He noted that he will keep Council informed via e-mail on this matter.

Ms. Ciccone inquired if the whole line should be replaced.

Mr. Guzik gave an update on the project and advised that once the repair to this location is done, the remainder of the project will be completed as previously approved in the Capital budget.

Ms. Ciccone inquired if the lines are monitored regularly.

Mr. Guzik advised that regular review of areas is done. He reviewed the current process of monitoring sewer lines.

Ms. Geevers requested further discussion on this matter during the Capital budget process.

Mr. Hary advised that he requested Public Works to repair the sink holes in the Village Grande Development that were a safety hazard. He advised that the Township Attorney will be working to receive reimbursement from D.R. Horton for the work done by the Township, as well as reviewing the \$70,000 dollars inadvertently released to them.

Ms. Geevers requested that a letter from the Township be sent to the Village Grande Homeowners' Association stating that the Township has completed the work on the sink holes in the roadways which were a public safety risk.

ENVIRONMENTAL COMMISSION - EDUCATION CENTER AT SCHENCK FARMSTEAD

Mr. Dobromilsky reviewed the history of the Nature Center project. He noted that an agreement with the developer of Elements at West Windsor has provided \$150,000 for this project. Mr. Dobromilsky noted that the Environmental Commission has been working on this matter and have worked with the West Windsor Historical Society to utilize a portion of the display area in the Schenck Barn. He noted that the Environmental Commission is hoping to conduct environmental fairs at this location in the future.

Mr. Dobromilsky advised that he has interviewed three consultants and each has submitted a report that staff has examined to assist in making their selection. Mr. Dobromilsky noted that the Environmental Commission currently has \$5,000 budgeted for a consultant and the additional funding for the project will come from the \$150,000 received from the Elements developer.

REQUEST FOR EASEMENT THROUGH PUBLIC LANDS-SOUTH POST ROAD

Mr. Guzik reviewed the proposed project and the issues involved. He advised that the easement would be paid for by the homeowner.

Mr. Maher inquired if this easement is for the construction of a home and will there be a performance bond required to ensure the work is completed.

Mr. Guzik reviewed the process that would be followed to include a bid process for the easement.

COUNCIL MEMBER/CLERK

REQUEST FOR PROPOSAL FOR STORMWATER MANAGEMENT STUDY

Mr. Hary noted that the Township met with residents of the Penns Neck area who were affected by Hurricane Irene and that Administration is proposing to do a study of the area to help prevent future flooding along the Little Bear Brook waterway.

Ms. Geevers requested to review a copy of the RFP for the study prior to going out.

Mr. Hary advised that he has contacted the Windsor Haven Homeowners' Association and Toll Brothers to request use of the remaining funds held in escrow for Windsor Haven to help fund the study. He advised that the systems installed by Toll Brothers to prevent flooding in Windsor Haven are working.

BUDGET SCHEDULE AND DISCUSSION

Mr. Hary advised that statutorily the budget is due to Council by January 17<sup>th</sup> and it is Administration's objective to have the budget to Council by the deadline.

President Khanna requested that Administration provide all budget documents available at that time to the Township Council.

Ms. Ciccone asked whether other than the noted exceptions is the budget ready for Council review.

Mr. Hary advised that most departments have submitted a zero increase budget. He noted that currently the only outstanding appropriation is for the Heatherfield Sewer Project.

Mr. Maher requested to see a breakdown of the debt service, the reduction in pension obligation costs, and how that funding can be utilized in the upcoming budget.

Mr. Hary advised that the pension obligation is a flat amount dictated by the State and there is no negotiating the costs. He noted that employees are now paying a larger percentage which helps offset the total amount that the Township is responsible for. He advised that in 2009 when he became Administrator, the

six-year Capital budget usually averaged around five million dollars and that he has reduced it the past two years to under four million dollars.

EMERGENCY SERVICES FEES

Mr. Morgan inquired if there is a possibility of charging for fire services.

Mr. Hary advised that the Township's Emergency Services Division currently charges for emergency medical services between the hours of 7:00 a.m. and 7:00 p.m. He noted that the Township's two Fire Chiefs are not in favor of charging for fire services.

Mr. Borek advised that the Township currently has the ability to charge for hazmat calls if necessary.

Discussion ensued over emergency services fees. Mr. Borek was requested to bring this topic to the next Public Safety meeting in 2012.

PROFESSIONAL SERVICES CONTRACTS FOR 2012

Mr. Morgan reviewed past practices of the Township concerning professional services contracts and made several suggestions for the Council to take into consideration.

Mr. Hary advised that RFP's have been sent out for all Administration's professional services contracts and noted that the RFP's are due back by December 29th. He reminded Council that Administration requested that all Township professionals take a 5% reduction in their contracts in 2011. Mr. Hary noted that staff will be reviewing the RFP's and he will be presenting them to Council for consideration in January.

Ms. Geever's advised that the Planning Board has been interviewing potential candidates for their professional services for 2012.

TOWNSHIP ATTORNEY STATUS

Mr. Morgan reviewed the process of hiring the Township Attorney and inquired when Administration will be putting forth a candidate to fill the unexpired term of the Township Attorney.

Mr. Michael Herbert, Jr. reviewed the process and advised that currently he is filling the position.

Mr. Hary advised that the current contract with Herbert, Van Ness, Cayci and Goodell is through the end of June 2012.

Discussion ensued.

BRUSH AND LEAF ORDINANCE ENFORCEMENT

Mr. Hary advised that because of revised stormwater regulations the Township had to enact the current ordinance. He noted that it is realistically unenforceable especially during leaf season and that currently Administration enforces it on a complaint-by-complaint basis. Mr. Hary reported that the Township has taken homeowners to Court.

Ms. Ciccone noted that the placement of leaves/brush in the roadways makes it difficult for bicyclists and motorists.

President Khanna inquired about the use of paper bags for collection versus the current procedure.

Mr. Borek suggested reviewing the current process of leaf and brush pickup at a future Council meeting.

MAYOR/ADMINISTRATOR COMMENTS

Joint Venture with the West Windsor Parking Authority

Mr. Hary advised that the Township is moving forward with the joint venture with the West Windsor Parking Authority for additional parking at the train station. He noted that the plan will be before the Planning Board for review on December 14<sup>th</sup>. Mr. Hary advised that he will be bringing the lease agreement to Council in January.

COUNCIL REPORTS/COMMENTS

Ms. Geevers advised that the Planning Board approved the following: installation of lights for High School South; placement of additional equipment by Cingular on an existing tower; and a sub-division of the Hall family farm on Village Road, East.

Mr. Morgan congratulated the Department of Public works for their work on the sewer collapse on Wallace Road. He voiced his concern about the whole sewer system and the need for the Township to continually review the system to avoid these types of problems from occurring in the future.

Mr. Borek announced that the two fire companies and the first aid squad need the support of the residents and urged residents to mail their donations in to these organizations.

Ms. Ciccone advised that the Environmental Commission met last week and that they have received a grant from Wal-Mart for \$25,000. She noted that the pedestrian crossing light installed at Scott Avenue and Wallace Road is working. Ms. Ciccone explained that the luminaries out front of the Municipal and Police buildings this evening are part of the Communities of Light program sponsored by Womanspace which helps survivors of domestic violence and sexual assault.

President Khanna announced the Inauguration/Reorganization meeting will be held on Tuesday, January 3<sup>rd</sup> at 6:00 p.m. followed by the Business Session at 7:00 p.m.

PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, inquired as to how the acid is getting into the sewer system. He voiced his concerns regarding the sink holes at the Village Grande development and whether the Township should be taking on repairs in a private community.

Mr. Pete Weale, 144 Fisher Place, noted that the actions taken this evening should have been discussed at a business session rather than an agenda session. He suggested that the Township

install a projector and screen in Room A, the Council Meeting Room.

Mr. Alvin Lerner, 67 Rainflower Lane, inquired about funding for the stormwater study and whether the Township can get economic credits for this from developers within the redevelopment area.

Mrs. Janet Lerner, 67 Rainflower Lane, wished everyone Happy Holidays and a healthy New Year.

ADJOURNMENT

Motion to adjourn: Ciccone

Second: Borek

VV: All ayes

The meeting was adjourned at 9:22 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township