

APPROVED AS AMENDED: March 21, 2011

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
February 7, 2011

CALL TO ORDER: President Khanna 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 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.

ATTENDEES: President: Khanna; Vice President: Ciccone; Council: Borek, Geevers; Morgan (left at 9:50 p.m.); Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

AMEND THE ORDER OF THE AGENDA

Motion to amend the agenda to add Resolution 2011-R053: Geevers
Second: Ciccone

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

PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, congratulated the Scouts. He asked for more details in finance, traffic, safety, and the environment as it pertains to the InterCap ordinances. He spoke further about concerns regarding the Redevelopment Plan.

Ms. Silvia Ascarelli, 27 Melville Road, thanked Council for considering the approval of resolution 2011-R049. She spoke of the need for crosswalks for better pedestrian safety.

Mr. Michael Baxter, 6 Landing Lane, spoke of concerns regarding the transit village and the financial impact it will have on the taxpayers of the Township.

Mr. Pete Weale, 144 Fisher Place, addressed several questions and concerns for Council.

Mr. Andy Bromberg, 24 Providence Drive, thanked Council for the positive direction the Township has taken.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Proclamations Honoring: Matthew Meers, Brian Reil, Alex Rohrbach for Attaining Rank of Eagle Scout

President Khanna read the proclamation and presented Brian Reil and Alex Rohrbach with their proclamations. Matthew Meers was unable to attend.

Council addressed favorable comments and congratulated the boys for achieving their Eagle Scout award.

Mayor Hsueh also congratulated the Scouts.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh spoke about the demolished buildings on the Rite Aid property and provided an update on the project. He noted that New Jersey Department of Transportation is responsible for the maintenance of the bridge on Route 571 until the responsibility is transferred to the Township. Mayor Hsueh advised that engineering specifications are needed for Windsor Plaza and he reviewed the status of several road projects including the Alexander Road "S" curve.

COUNCIL MEMBER COMMENTS

Mr. Morgan spoke of the lack of snow removal by many residents on their sidewalks and concerns with snow at intersections. He advised that the Redevelopment Entity must produce financial statements which have not been completed. He spoke about the lawsuit he has against the Mayor and the upcoming budget.

Ms. Geevers noted that a comment made during public comment relating to redevelopment and the tax increase per household is incorrect. She advised that the West Windsor-Plainsboro School Board is engaged in discussions pertaining to the budget.

Mr. Borek spoke about the potential solar farm that Princeton University is working on and noted concerns with farmland assessment.

Mr. Herbert advised that Princeton University is paying over \$100,000 for the property located in West Windsor Township.

Mr. Borek inquired about a potential fish farm to be located at the Princeton Junction Fire Company.

Mayor Hsueh acknowledged that the fish farm has only been a discussion and a presentation will be provided outlining the topic and details.

Ms. Ciccone commended Public Works for a good job on snow removal and encouraged neighbors to be considerate and clear their sidewalks and intersections. She suggested that the Township take responsibility for plowing Clarksville Road and Route 571 and be reimbursed for the expense by the County.

CHAIR/CLERK COMMENTS

President Khanna advised that Council does take into consideration all comments made during public comment.

PUBLIC HEARINGS

2011-01 AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 4-59, "CABLE TELEVISION ADVISORY BOARD" AND CHAPTER 60 "CABLE TELEVISION: PROGRAMMING POLICIES AND PROCEDURES FOR GOVERNMENTAL ACCESS CHANNEL," OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR, MERCER COUNTY, NEW JERSEY

President Khanna opened the public hearing.

Motion to close public hearing: Morgan

Second: Ciccone

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

Motion to adopt: Ciccone

Second: Morgan

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

2011-02 AN ORDINANCE REPEALING SECTION 36-4 OF THE TOWNSHIP
CODE, RELATING TO DISTANCES AND LIMITATIONS REQUIRED
BY LICENSED PREMISES WITHIN A PLANNED COMMERCIAL
DEVELOPMENT

President Khanna opened the public hearing.

Mr. John Church, 11 Princeton Place, addressed questions about the distance limitation and asked if there is a substitute ordinance.

Mr. Herbert advised that a replacement ordinance would not be needed because the restrictions were removed.

Mr. Morgan noted that the availability of alcoholic beverage licenses is based upon the Township's population.

Motion to close public hearing: Morgan

Second: Ciccone

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

Motion to adopt: Ciccone

Second: Morgan

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

2011-03 AN ORDINANCE AMENDING CHAPTER 4, "ADMINISTRATION OF GOVERNMENT" SECTIONS 4-43, 4-55, AND 4-63 "LOCAL ASSISTANCE BOARD; OF THE REVISED GENERAL ORDINANCES OF WEST WINDSOR TOWNSHIP - Dissolution of the Local Assistance Board of West Windsor

President Khanna opened the public hearing.

Motion to close public hearing: Morgan

Second: Ciccone

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

Motion to adopt: Morgan

Second: Geevers

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

CONSENT AGENDA

Resolutions

2011-R042* Authorizing the Transfer of Funds within the 2010 Municipal Budget to Supplement the Gasoline and Electric Operating Budgets

*Must be approved prior to the Bills and Claims

Mr. Borek inquired about whether the Township had an agreement that would fix the price for gasoline.

Mr. Hary noted that it was a cooperative agreement, and that the cost of fuel increased because usage increased.

Ms. Ciccone inquired about expense reduction due to the installation of energy efficient changes made to the Municipal Building.

Mr. Hary noted that a full year has not passed since the changes were made making it difficult to realize the full savings. He advised that the Township would like to make the energy efficient changes to the Arts Center building too.

Mayor Hsueh noted that a report will be produced to recognize the savings the solar panels on the Senior Center have produced.

Mr. Hary advised that transfer resolutions are routine for items that have exceeded their budget line item.

Motion to approve: Morgan

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

NAY Morgan

aye Khanna

2011-R052 Consent to the Appointment of Lindsay Diehl to the Affordable Housing Committee as Member to fill the Unexpired Term through December 31, 2013

2011-R045 Consent to the Appointment of Anjali Goyal to the Affordable Housing Committee as Alternate I to fill the Unexpired Term through December 31, 2011

Minutes

December 12, 2010 - Agenda Session

December 23, 2010 - Business Session

Motion to approve the amended consent agenda: Ciccone

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

ITEMS REMOVED FROM THE CONSENT AGENDA

2011-R043 Consent to the Appointment of William T. McGovern,
Esq. as Alternate I/Substitute Township Prosecutor to
a One-Year Term

Ms. Ciccone addressed questions pertaining to the alternate prosecutor resolutions. She asked that Council be given the resume of the other alternate. Ms. Ciccone noted that she was on a committee to interview several prosecutors, and asked where the other candidates' resumes were for the position.

Mayor Hsueh advised that several candidates withdrew their resumes from consideration.

Motion to approve: Borek

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

NAY Morgan

aye Khanna

2011-R044 Consent to the Appointment of Alfred B. Vuocolo, Jr.,
Esq. as Alternate II/Substitute Township Prosecutor to
a One-Year Term

This resolution was deferred until the February 22, 2011 Business Session to allow time for Administration to provide a resume for Mr. Vuocolo.

Bills and Claims

Ms. Geevers noted her concerns with the invoice from Chazma Tazz for the fitting of shirts for a Police Officer. She asked if this expense was part of the Union agreement.

Mr. Hary explained that the Union agreement does include providing uniforms for the Police officers but alterations to a uniform is open to interpretation for future contract negotiations.

Ms. Geevers asked to have this invoice removed for payment from the Bills and Claims.

Motion to remove the invoice for Chazma Tazz from payment:

Geevers

Second: Ciccone

RCV: NAY Borek

aye Ciccone

aye Geevers

NAY Morgan

NAY Khanna

The motion did not pass.

Ms. Geevers asked that this item be removed in future contract negotiations.

Mr. Morgan inquired about the invoice for Karl Meys Collision & Paint. He asked why the Township was paying for the cost of repair versus having the insurance company send the check directly to the vendor for the payment.

Mr. Hary advised that he would provide an explanation for the payment of the invoice to Karl Meys.

Motion to remove the invoice for Karl Meys Collisions & Paint from payment: Morgan

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

Motion to approve the Bills and Claims as amended: Ciccone

Second: Morgan

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION

2011-R046 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Vital Services Group for Support and Maintenance of Proprietary Computer Hardware and Software

2011-R047 Authorizing the Chief Financial Officer to Disburse Monies Collected Pursuant to West Windsor Code Section 200-89 for the Delaware & Raritan Canal/Duck Pond Run Interceptor Sewer District

2011-R048 Authorizing the Request from Edgewood Properties for a Reduction of Performance Guarantees Associated with WWM Properties-Retail Village Center-PB03-10

2011-R049 Endorsing the County of Mercer to Establish a Midblock Crosswalk on South Mill Road

2011-R050 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with T&M Associates for Engineering Assistance for Projects not Covered by Specific Capital Accounts

2011-R051 Authorizing the Mayor and Clerk to Execute a Shared Services Agreement with Hamilton Township for the Provision of Certain Public Health Services Related to STD's

Motion to approve Resolutions 2011-R046 through 2011-R051:

Geevers

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

2011-R053 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Secare, Ryan, & Hensel for Legal Services

Mr. Hary outlined the process to date and advised that interrogatories and depositions have been done and were very costly. He noted that there could be a pre-trial conference in February and a trial in March.

Mr. Borek acknowledged that if this lawsuit goes to trial, it could cost the Township a large sum of money.

Ms. Geevers advised that she would like if Mr. Morgan and Mayor Hsueh could come to an agreement.

Mr. Khanna noted that legal fees and manpower funds have been expended and are a waste of tax dollars.

Ms. Ciccone asked if this resolution could be deferred and have Mr. Secare provide a status report and litigation strategies or attend a closed session meeting.

Motion to table Resolution 2011-R053 until February 22nd: Ciccone

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

Morgan - abstain

aye Khanna

COUNCIL REPORTS

Mr. Borek attended a Public Safety meeting and spoke about fire hydrants being snow covered and unable to detect. He spoke regarding a grant received from New Jersey Department of Transportation and asked if Roszel Road is in more need of repair than Alexander Road.

Mr. Hary advised that Mr. Alex Drummond, Director of Public Works, is marking fire hydrants with a flexible neon pole.

Ms. Geevers spoke of two large banners hung at a restaurant at the Southfield Shopping Center and asked if Planning & Zoning could review these banners for compliancy. She noted that the School Board Budget review is ongoing.

Ms. Ciccone questioned if West Windsor Township has applied for grants for snow removal.

Mr. Hary advised that the grants given were for windstorm damage and West Windsor Township did not suffer wind damage during the storm.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, noted snow removal areas that need improvement and complimented Public Works for their hard work.

CLOSED SESSION

Motion to go into closed session at 9:18 p.m.: Geevers

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

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 Redevelopment/InterCap litigation and Personnel contracts.

MEETING RECONVENED

Meeting reopened at 10:04 p.m.

ADJOURNMENT

Motion to adjourn: Geevers

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

Morgan - left at 9:50 p.m.

aye Khanna

The meeting was adjourned at 10:04 p.m.

Sharon L. Young
Township Clerk
West Windsor Township