

APPROVED: March 21, 2011

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
February 22, 2011

CALL TO ORDER: President Khanna called the meeting to order at 6:34 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. Special Notice for Closed Session was provided on February 10, 2011 for the discussion of the Morgan vs. Mayor Hsueh litigation.

ATTENDEES: President: Khanna; Vice President: Ciccone; Council: Borek, Geevers; Mayor: Hsueh (arrived at 7:08 p.m.); Business Administrator: Hary; Township Attorney: Herbert; Township Clerk: Young

ABSENT: Morgan

PUBLIC COMMENT

Ms. Young noted that no one from the public was in attendance for public comment.

CLOSED SESSION

Motion to go into closed session: Geevers

Second: Ciccone

RCV: aye Borek

aye Geevers

aye Khanna

Morgan - absent

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 Morgan vs. Hsueh litigation.

MEETING RECONVENED

Meeting reopened at 7:03 p.m.

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, spoke about his environmental concerns at the InterCap site.

Mr. Pete Weale, 144 Fisher Place, asked the Council to explain the Municipal Budget process to the public. He addressed several questions about some of the resolutions listed on the agenda.

Mr. Andy Bromberg, 24 Providence Drive, spoke about articles in the Princeton Packet. He also pleaded for the end of the litigation between the Mr. Morgan and the Mayor.

Ms. Janet Lerner, 67 Rainflower Lane, wanted to address Mr. Morgan concerning the lawsuit.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh spoke about the infrastructure needed for stormwater management in the redevelopment area. He advised that the Municipal Budget was distributed to the Council and noted that the services remain while still keeping the budget within the cap.

COUNCIL MEMBER COMMENTS

Ms. Geevers advised that Planning Board will be reviewing the InterCap ordinances this week. She asked Administration to inquire about the fiscal impact study InterCap was supposed to provide for the redevelopment site.

Ms. Ciccone looks forward to a full transparent discussion on the Municipal Budget. She noted concern with the discussion going on within the State for regional shared services for Police Departments.

CONSENT AGENDA

Resolutions

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

Minutes

November 22, 2010 - Business Session as amended  
January 5, 2011 - Reorganization Meeting  
January 10, 2011 - Agenda Session  
January 10, 2011 - Closed Session as amended  
January 18, 2011 - Business Session

Motion to approve the amended consent agenda: Ciccone

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

Morgan - absent

aye Khanna

ITEMS REMOVED FROM THE CONSENT AGENDA

Bills and Claims

Ms. Geevers addressed questions regarding the invoice from Chaz Mataz for alterations to a Police Officer's shirt. She advised that alterations are not considered "maintenance" and therefore is not included in the Union contract. Ms. Geevers contacted Chaz Mataz to inquire about the invoice and explained to Council the reasons Chaz Mataz submitted the invoice.

Mr. Hary explained that Chief Pica addressed a memo to the Police Officers concerning this cost and that going forward all Officers will not be submitting invoices to the Township for payment.

Motion to approve the Bills and Claims: Ciccone

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

Morgan - absent

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION

2011-R055 Approving an Amendment to Resolution 2011-R047 to Reflect the Proper Amounts and Require Correction by 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-R056 Granting the Request by Developers Diversified Realty  
for a Full Release of Performance Guarantees for  
Nassau Park Pavilion Phase III and McClain Ave-PB02-12

2011-R057 Granting the Request for a Reduction of Performance  
Guarantees from Princeton Theological Seminary for  
Replacement Housing -PB09-08

Motion to approve Resolutions 2011-R055 through 2011-R057: Borek  
Second: Ciccone

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

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

Mr. Hary asked to have the Certification of Funds amended to reflect an increase of \$628 to cover the full amount owed to Mr. Secare's firm.

Ms. Geevers asked Mr. Morgan to not appeal the motion so that the lawsuit against the Mayor can be dismissed. She noted that it was a waste of taxpayer dollars.

President Khanna advised that both money and manpower have been spent preparing the lawsuit. He noted that Mr. Morgan's arguments have been thrown out of court three times.

Motion to approve: Geevers

Second: Ciccone

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

2011-R054 Authorizing an Increase in the Amount of the  
Recreation Petty Cash Fund from \$500 to \$3,000

Mr. Borek inquired about the potential for the funds to get lost or stolen.

Mr. Hary advised that cash is not carried by an employee but rather a voucher is used for the transaction.

Motion to approve: Borek

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

Morgan - absent

aye Khanna

INTRODUCTION OF ORDINANCES

2011-06 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR PUBLIC  
LAND MAINTENANCE AND OTHER RELATED EXPENSES IN OR FOR  
THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE  
OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$380,000

Motion to introduce: Borek

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

Morgan - absent

aye Khanna

Public Hearing is scheduled for the March 7, 2011 Business Session.

2011-07 AN ORDINANCE CONVEYING PROPERTY BY A DEED  
CONSOLIDATING TAX LOTS INTO A NEW TAX LOT 17.01,  
BLOCK 6 IN THE TOWNSHIP OF WEST WINDSOR, MERCER  
COUNTY, NEW JERSEY - West Windsor Compost Facility -  
881 Alexander Road

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

Public Hearing is scheduled for the March 7, 2011 Business Session.

#### COUNCIL REPORTS

Ms. Geevers advised that she attended the School Board forum that allowed residents to make suggested recommendations for reducing the School Board's budget. She noted that this allowed the School Board the ability to receive the residents' feedback.

#### ADMINISTRATIVE UPDATES

Mr. Hary advised that the 2011 Municipal Budget was distributed to Council last week. He noted that the population in the Township has increased 24% in the past decade, and both new and future development is still rising because the Township is continuing to grow.

Mr. Hary outlined various details in the budget. He noted that Salary and Wages increased only 1% because of the reduction of overtime and the elimination of three positions. Mr. Hary explained that the costs to Stony Brook Regional Sewerage Authority and Pensions have increased. He advised that there is a \$800,000 decrease in Capital Expenditures and approximately one million dollars in Capital Expenditures is fully funded through grants received by the Township. Mr. Hary noted that Revenues are down by \$753,000, and \$22 million will need to be raised by taxation.

President Khanna asked Council to submit their questions pertaining to the budget to Mr. Hary before the February 28<sup>th</sup> budget meeting.

Ms. Ciccone asked for a list of the unexpended fund balances for the February 28<sup>th</sup> budget meeting.

Mr. Hary explained that there are reserves from January 1<sup>st</sup>, 2011, and Administration still anticipates additional invoices that will deplete these funds.

Ms. Ciccone suggested that Council carve out time for budget discussions over the next few meetings.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, advised that the fiscal impact study is needed from InterCap.

Mr. Alvin Lerner, 67 Rainflower Lane, spoke about the student ratio report for the redevelopment area and how it was calculated.

ADJOURNMENT

Motion to adjourn: Ciccone  
Second: Borek  
VV: All ayes, Morgan absent

The meeting was adjourned at 8:20 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township