

APPROVED: February 22, 2011

WEST WINDSOR TOWNSHIP COUNCIL
AGENDA SESSION
January 10, 2011

CALL TO ORDER: President Khanna called the meeting to order at 7:01 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 (arrived 7:10 p.m.), Geever, Morgan; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Deputy Township Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

President Khanna noted that Mercer County Freeholders Pat Colavita, Tony Carabelli, and Ann Cannon are in the audience this evening.

Move to amend the order of the agenda to add Ceremonial Matters:
Ciccone
Second: Morgan
VV: All in favor

Ceremonial Matters

Certificate of Appreciation - Florence Cohen

President Khanna, Mayor Hsueh, and members of the Council presented Ms. Florence Cohen with a Certificate of Appreciation for her many years of service on the Affordable Housing Committee.

Ms. Cohen expressed her sincere appreciation.

Ms. Ciccone advised that she has had the pleasure of working with Ms. Cohen over the past several years as liaison to the Affordable Housing Committee from both the Planning Board and the Township Council. She noted that Ms. Cohen has been an asset to the Township's affordable housing program.

Mr. Morgan thanked Ms. Cohen for her years of service to the Affordable Housing Committee and noted he will miss her.

Ms. Geevers thanked Ms. Cohen for her many years as Chairperson of the Affordable Housing Committee.

Mr. Borek noted that no one has the passion that Ms. Cohen does when it comes to affordable housing issues.

President Khanna wished her the best in her future endeavors.

PUBLIC COMMENT

Ms. Sara Spengler-Campanella, 16 Canoe Brook Drive, voiced her concerns about the installation of athletic field lights at both High School South and North and the effect it will have on their neighborhoods. She requested that the Mayor and Council request the West Windsor-Plainsboro Board of Education to have the Planning Board review the proposed lighting at High School South as Plainsboro Mayor Cantu did for High School North.

Ms. Janet Lerner, 67 Rainflower Lane, congratulated everyone in his or her new position for 2011 and presented a few suggestions that could be valuable for the redevelopment area.

FOR ACTION

2011-R026 Authorizing Temporary Budget Appropriations for 2011

Mr. Hary noted that the temporary budget amount for the first quarter is \$8,266,376.43.

Ms. Ciccone inquired if the Council will still receive the budget by January 15th.

Mr. Hary advised that the Township has appealed to the State for guidance with the 2% cap that has been imposed for 2011. He

also noted that the Local Finance Board will be extending the budget due date to February 15th.

Mr. Morgan advised that the temporary budget is clerical versus substantive and has to be approved in order for the Township to continue to pay staff and vendors.

Ms. Geevers inquired about the 26.5% appropriation versus reducing the percentage to 25%. She asked if the temporary budget included employee raises.

Mr. Hary advised that there are items that have to be paid upfront such as insurance and snow removal costs. He noted that no raises are included in the temporary budget.

Motion to approve: Morgan

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

CONSENT AGENDA

Ms. Ciccone requested that both resolutions be pulled for further discussion.

Minutes

November 22, 2010 - Closed Session

December 6, 2010 - Business Session (as amended)

Bills and Claims

Motion to approve the consent agenda as amended: Morgan

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

Items Removed from Consent Agenda

2011-R027 Authorizing the Cancellation of any Refund or
Delinquency Less than \$10.00

2011-R028 Establishing the Rate of Interest Charged on
Delinquent Taxes and 6% Year End Penalty

Ms. Ciccone inquired why the Township cancellation of refunds or delinquency is for \$10.00 or less.

Mr. Hary advised that this has been the Township's past practice on this matter. He noted that this action has to be acted upon each year.

Ms. Ciccone also inquired about resolution 2011-R028 and the established interest rate.

Mr. Herbert advised that this is done per State Statute.

Motion to approve Resolutions 2011-R027 and 2011-R028: Ciccone
Second: Morgan

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

RECOMMENDATIONS FROM ADMINISTRATION

2011-R029 Authorizing the Mayor and Clerk to Execute a Shared
Services Agreement with the Borough of Hightstown to
Provide Public Health Services through December 31,
2012

Mr. Hary reported that this is a renewal of the Shared Services Agreement with the Borough of Hightstown and noted there is an increase of 2% over the 2010 agreement for 2011, and an additional 2% increase for 2012.

Motion to approve: Ciccone

Second: Morgan

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

2011-R030 Authorizing the Mayor and Clerk to Execute a Contract
with Waste Management of New Jersey Inc. for Solid
Waste Collection Service for 2011

Mr. Hary noted that five contractors picked up bids and two bids were received for the bid opening. He advised that he recommended a one-year contract because of the anticipation of waste stream collection within the next five years. Mr. Hary noted that he anticipates reduction in tonnage by the implementation of food waste recycling within the next five years. He advised Council that the current agreement for 2011 is lower than the 2010 cost for the same services. Mr. Hary noted that Administration is recommending a one-year contract renewable for four additional years, with the same services as currently provided. He also noted that this price includes the use of clean fuel technology.

Mr. Herbert advised Council that Central Jersey Waste had submitted a letter indicating that Waste Management did not adhere to the bid specifications. He noted that after review by his office and Administration it was determined that Waste Management's bid does comply with the bid specifications and therefore is a responsible bidder.

Mr. Morgan inquired whether there is a provision for an "escape clause" if the need arose.

Mr. Herbert advised that when an "escape clause" is added it normally causes a significant price increase.

Mayor Hsueh noted that he has researched costs for this service and found that it is more affordable for residents if the Township provides the service.

Ms. Ciccone noted that providing garbage collection is a policy issue and needs to be discussed in more detail during the budget process. She noted that the Township might have to make some difficult decisions in the future.

Motion to approve: Morgan

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

FOR DISCUSSION

Mayor/Administrator

Draft Ordinance Dissolving Local Assistance Board

Mr. Hary advised that this ordinance is necessary to dissolve the Local Assistance Board from the Township Code Book because the services have been relinquished to the County. He requested that this be placed on the January 18th Business Session for introduction.

Draft Ordinance to Amend the Number of Plenary Retail Consumption Licenses in a Planned Commercial Development

Mr. Hary advised that the Township has the population base to sell an additional plenary retail consumption license. He noted that several interested parties have approached the Township. Mr. Hary explained that the proposed ordinance would increase plenary retail consumption licenses in commercial development areas from three to four.

Mr. Morgan inquired as to why any limit is necessary and suggested removing it in its entirety.

Mr. Hary advised that Administration would have no objection to removing the limit entirely.

Mr. Herbert advised that the redevelopment area is governed by a different State Statute and therefore not affected by this

change to the Township Code and therefore will draft a new ordinance dissolving this section from the Code.

Shared Services with West Windsor Parking Authority regarding
New Parking Area at the Old Compost Facility

Mr. Hary reported on discussions with the Parking Authority regarding this shared services agreement. He noted that this is the beginning of a joint venture between the Parking Authority and the Township for building a parking lot primarily for West Windsor commuters. Mr. Hary explained that the agreement provides for the Parking Authority to fund the Phase III remediation program and noted that the State should reimburse the Parking Authority for this study in the future. He advised that this is the first step in a continued shared services agreement with the Parking Authority for this parking facility.

Mr. Herbert provided additional information on how the process would work going forward and advised that the Township would receive revenue from the new parking facility once completed.

Council requested a memorandum from the Parking Authority advising that they are in agreement with this resolution.

Mr. Hary requested that this resolution and agreement be placed on the January 18th Business Session agenda for approval and noted that the Parking Authority was meeting on this matter on January 12th and would then forward a memorandum to the Township.

COUNCIL MEMBER/CLERK

Mr. Morgan requested to add two resolutions to the discussion this evening. The first being the request from New Jersey Transit regarding an additional bus stop at Nassau Park and the second resolution he distributed via e-mail early today regarding professional services contracts.

Ms. Ciccone requested from Administration a list of all professional services contracts and their expiration dates. She noted that Mr. Herbert has placed a cap on his services for the Township and requests that all professionals do the same.

Mr. Hary advised that in 2011 all certification of funds will have a "not to exceed" amount of five percent less than 2010. He noted that over the past year he has tried to limit the use of consultants to keep costs down.

Ms. Ciccone requested that when discussion takes place about the installation of field lights at High School South that it also include the resident's comments made tonight. She noted that Plainsboro has taken the position to review the application and that West Windsor should do the same.

Mr. Herbert advised that the West Windsor-Plainsboro School Board approved a courtesy review for Plainsboro Township and that he would draft a similar resolution for the same courtesy to be extended to West Windsor Township.

Discussion ensued among members of Council as to what the resolution should contain.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary advised that the lighting at the post office has been repaired as of January 3rd.

COUNCIL COMMENTS

Mr. Borek noted that the New Jersey Legislature has voted today to abolish the Council on Affordable Housing and transfer the responsibilities to the Department of Community Affairs.

Ms. Geever advised she has been receiving complaints regarding the trailer at the School Board Office and asked Mr. Hary to have this situation looked into.

Ms. Ciccone noted that on January 6, 2011 Governor Christie signed the toughest fertilizer law into effect. She commended Public Works on the snow removal during the past snowstorms. Ms. Ciccone also requested a list of open space properties that are still available for purchase and maintenance plans for open space properties already acquired.

Mr. Hary advised that all the open space parcels have to be reviewed for maintenance plans, and that currently there are no

additional properties that the Township wants to purchase. He noted that any adjustments to the Open Space Tax would have to be done by referendum.

COUNCIL REPORTS

Ms. Geevers reported that Mr. Marvin Gardner was reappointed as Chair of the Planning Board and that he has requested the Planning Board consultants to reduce their fees by 5% for 2011. She noted that on Wednesday, January 12th the Planning Board would be conducting the fourth meeting regarding Windsor Plaza, primarily for sign locations.

Mr. Borek advised that the Affordable Housing Committee is concerned that no additional affordable housing is scheduled to be built.

Ms. Ciccone noted the Environmental Commission is meeting next week and she requested that Ms. Geevers encourage the Planning Board to complete the Windsor Plaza application.

Mr. Hary gave a brief review of the efficiency study and advised that the report will be distributed in the next few days. He requested time at a future meeting for the consultant to attend to review the report with Council.

Ms. Ciccone requested that the report be given to Council and that discussion of the document be placed on the agenda session of February 14th.

The consensus of Council was to have time to review the report prior to discussion at the February 14th Agenda Session.

PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, noted he supports his neighbors' concerns regarding the installation of lights at High School South. He also voiced his support of leaving the Township's garbage collection as part of the municipal budget. Mr. Church inquired as to why Stony Brook Regional Sewerage Authority is not regulated by the 2% cap.

Mr. Al Lerner, 67 Rainflower Lane, requested that designated routes for snow emergency for ambulance services be reviewed.

Ms. Sara Spengler-Campanella, 16 Canoe Brook Drive, advised that she will forward comments to members of Council that were addressed to the School District over the past few months. Ms. Spengler-Campanella advised that according to the New Jersey Department of Education architect, if a project is not academic in nature the local Planning Board does have the right to review, amend, or refuse.

Mr. Morgan asked that Mr. Herbert review what Ms. Spengler-Campanella was told by the New Jersey Department of Education about academic versus non-academic reviews by the Planning Board.

A moment of silence was observed for the victims of the Arizona shooting which occurred this past weekend.

CLOSED SESSION

Motion to go into closed session at 9:17 p.m.: Morgan

Second: Geevers

RCV: aye Borek

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 personnel and InterCap litigation matters.

MEETING RECONVENED

The meeting reconvened at 9:55 p.m.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Borek

VV: All ayes

The meeting was adjourned at 9:55 p.m.

Sharon L. Young
Township Clerk
West Windsor Township