

APPROVED: July 11, 2011

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
June 13, 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; Mayor Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. Michael Ogg, 337 Clarksville Road, commended the Township for the sidewalk improvements that aid pedestrians and individuals with disabilities. He listed additional areas in need of improvements.

Ms. Lindsay Diehl, 2 Colonial Avenue, presented a public petition to request the end of the litigation between the Mayor and Councilman Morgan.

Ms. Rita Shaha, 208 Conover Avenue, spoke in favor of the petition to end the litigation and the associated costs.

Mr. Greg Harris, 16 Piedmont Drive, addressed several issues pertaining to parliamentary procedures and Council meeting proceedings.

Mr. Paul Raffiani, 22 Canal Road, spoke about the reconstruction of the Alexander Road "S" curve and addressed several questions to Administration. He also inquired about the garbage pickup schedule.

Mr. Andy Bromberg, 24 Providence Drive, spoke out against the litigation between the Mayor and Councilman Morgan.

Ms. Rebecca Esmi, 69 Woodmere Way, reviewed the Faulkner form of government and how it worked. She advised that the Mayor should provide information that the Council requests for transparency in government.

Ms. Virginia Manzari, 28 Berkshire Drive, Drive spoke against the funding of the Mayor's litigation through taxpayer dollars and asked that the Mayor provide the documents requested by Mr. Morgan.

Mr. Mark Shallcross, 12 Jeffrey Lane, thanked Council for the essential links of sidewalks that have been added and repaired to complete many pedestrian walkways.

Mr. Marshall Lerner, 3 Sapphire Drive, noted that the litigation is a waste of time and money. He urged the Mayor to respond to Mr. Morgan's request.

Mr. Alvin Lerner, 67 Rainflower Lane, inquired about the sale of a consumption license that is listed on the agenda.

Ms. Janet Lerner, 67 Rainflower Lane, inquired about why the litigation continues when there is no merit to Mr. Morgan's lawsuit.

Mr. Pete Weal, 144 Fisher Place, requested Council not to approve the resolution that would authorize more funding for the continuation of the litigation.

Mr. Jim Moeller, 201 Varsity Avenue, spoke about the litigation between the Mayor and Councilman Morgan, and suggested Council file a countersuit.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh advised that the litigation is in the hands of the judicial system. He spoke about his availability to the residents when requested. Mayor Hsueh commented on the pedestrian and bicycle improvements made throughout the Township.

Mr. Hary advised that the open space maintenance program is not working and will be seeking another vendor to do the work. He also suggested that the residents check the Township website for changes in the garbage pickup.

COUNCIL MEMBER COMMENTS

Ms. Geever spoke about the costs of litigation and advised that the budget needs to be reviewed for coverage of these continual costs. She offered to mediate the issue between Mayor Hsueh and Councilman Morgan.

Mr. Borek spoke about the InterCap litigation, and about vehicles that are not stopping for pedestrians in a crosswalk. He asked for better police enforcement at intersections and crosswalks.

Mr. Morgan attempted to speak about the litigation he was involved in.

Mr. Herbert advised that it was against the law to speak about ongoing litigation.

There was a debate between Mr. Morgan and Mr. Herbert on what can be said in public pertaining to the litigation and parliamentary procedures.

Ms. Ciccone spoke about the need for better police enforcement at crosswalks. She spoke about Council procedures and items that are placed on the agenda for consideration.

CHAIR/CLERK COMMENTS

President Khanna thanked the residents for their comments.

PUBLIC HEARING

2011-10     AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168  
"TRAFFIC AND PARKING" OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR - Nassau  
Park and Nassau Pavilion

President Khanna opened the public hearing.

Motion to close public hearing: Ciccone

Second: Morgan

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

Motion to adopt: Ciccone

Second: Morgan

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

2011-11     AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168  
"TRAFFIC AND PARKING", ARTICLE IV "HANDICAPPED PARKING  
REGULATIONS", OF THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF WEST WINDSOR - Nassau Park Pavilion

President Khanna opened the public hearing.

Mr. Alvin Lerner, 67 Rainflower Lane, addressed questions about the number of handicapped parking spaces within Nassau Pavilion.

Mr. Greg Harris, 16 Piedmont Drive, advised that handicapped drivers should not be judged on the degree of their ailment.

Mr. Hary noted that the ordinance does not change the number of handicapped parking spaces but allows for better police enforcement.

Discussion ensued around holding the hearing open to ensure full compliance on the number of handicapped parking spaces in Nassau Pavilion.

Administration agreed that an assessment will be taken affirming the correct number of spaces listed is listed in the ordinance and meets State requirement.

Motion to adopt: Geevers

Second: Borek

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

#### CONSENT AGENDA

#### RESOLUTIONS

2011-R117 Authorizing the Refund of Pool License Fee Paid Twice  
by Colonnade Pointe Condo Association

2011-R119 Authorizing Refund for Development Plan Review  
Projects

2011-R120 Refund of Property Tax Overpayments

2011-R121 Refund of Sewer Rent Overpayment

2011-R122 Refund of Veteran's Deduction for the Tax Year 2010

#### MINUTES

April 4, 2011 - Agenda Session

April 11, 2011 - Business Session

April 25, 2011 - Business Session

May 9, 2011 - Business Session

May 16, 2011 - Closed Session

Motion to approve consent agenda as amended: Borek

Second: Morgan

RCV: aye Ciccone

aye Geevers

aye\* Morgan

aye Borek

aye Khanna

\*abstained from minutes for meetings at which he was not present

ITEMS REMOVED FROM THE CONSENT AGENDA

2011-R118 Authorizing 2012 Recreational Opportunities for  
Individuals with Disabilities Grant Application-  
\$25,100

Ms. Ciccone inquired about what the plans were for utilizing the funds.

Mayor Hsueh advised that recommendations received from parents of disabled children will be taken into consideration.

Motion to approve: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

BILLS AND CLAIMS

Mr. Morgan inquired about the invoice from Rutgers for a seminar for Noise Enforcement.

Mr. Hary explained that one health inspector attends the seminar yearly to maintain accreditation.

Mr. Morgan advised that he will not be voting in favor of the Crystal Springs invoice.

Motion to approve Bills and Claims: Borek

Second: Ciccone

RCV: aye Ciccone

\*aye Geevers

\*\*aye Morgan

aye Borek

aye Khanna

\*recused herself from St. David the King invoice

\*\*voted "no" on Crystal Springs payment

RECOMMENDATIONS FROM ADMINISTRATION

2011-R123 Endorsement of the Removal of Green Acres Restrictions  
and Easements to Construct Old Trenton Road Bridge  
Crossing the Assunpink Creek near Edinburg

Mr. Morgan inquired about whether the restriction can be removed. He noted that the Village of Edinburg needs to be protected from heavy traffic. Mr. Morgan asked if the residents had been notified of the reconstruction.

Mr. Hary explained that the County is widening the turn lane and the bridge. He advised that this project has been underway for several years.

Mayor Hsueh explained that he has been in contact with DEP regarding the project. He commented that the County is responsible for informing the residents of the area about the reconstruction.

Discussion ensued over the notification of the residents and about the specifics of the plan for reconstruction.

Ms. Ciccone spoke of the environmental impact and the effect the removal of the restrictions will have on the residents.

Ms. Geevers noted that traffic is a huge concern in the area and inquired about the addition of bike lanes during the reconstruction.

Mr. Morgan asked to have the resolution deferred until he is able to speak to the residents in the area that will be affected by the reconstruction and the removal of the restrictions.

The resolution was deferred until the June 20<sup>th</sup> Agenda Session

2011-R124 Authorizing the Mayor and Clerk to Execute a Contract with Mecco Inc. for the Village Road West Reconstruction-Phase 1-\$255,000

2011-R126 Authorizing the Mayor and Clerk to Execute a Developer's Agreement with Martian Holdings, LLC

2011-R127 Authorizing the Utilization of New Jersey State Contract# A76917 Awarded to TRICO Equipment Services, LLC for Specialized Parts and Labor to Repair a Model 621D Case Loader for the Department of Public Works-\$33,165.67

Motion to approve 2011-R124, 2011-R125 and 2011-R127: Morgan  
Second: Borek

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

2011-R125 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with the Jewish Community Campus of Princeton Mercer Bucks

Ms. Geevers inquired about the cost of reimbursement and the letter of credit that was posted for the project.

Mr. Morgan asked what would happen if the letter of credit expired before the completion of the project. He wanted to know who would be held responsible.

Mr. Herbert answered Council's questions and advised that the downstream developers would be responsible for the funds for further downstream obligations and not the Township.

Motion to approve: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

2011-R128 Authorizing the Mayor and Clerk to Execute an  
Amendment to the Professional Services Agreement for  
Secare, Ryan & Hensel for Legal Services- \$10,000

Ms. Ciccone asked to have a breakdown of expenses from Mr. Secare. She also noted that she does not want to be reading about the status of the litigation and what will be happening going forward in the newspapers. Ms. Ciccone asked the Mayor and Administration to consult Council directly before this information appears in the newspapers.

Ms. Geevers spoke about having informal mediation to attempt to settle the litigation without further expenditure of funds from the Township. She asked that the resolution be deferred until a meeting for mediation can be held.

Mr. Hary noted that he would speak to Mr. Secare about the list of expenditures and advise him of the offer for remediation.

Resolution 2011-R128 was deferred until the June 20<sup>th</sup> Agenda Session.

COUNCIL/CLERK RECOMMENDATIONS

2011-R129 Authorizing the Renewal of the Alcoholic Beverage  
Licenses for 2011-2012

Ms. Young advised that all the licenses are in compliance for renewal except Mac Acquisition (Macaroni Grill) and OTB Acquisition (On the Border).

Motion to approve: Borek

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

2011-R130 Authorizing the Issuance of a New Plenary Retail  
Consumption License for the Sale of Alcoholic  
Beverages-\$1,000,000.00

Ms. Young reviewed the procedures and timeframe for the sale of the new consumption license.

Motion to approve: Ciccone

Second: Borek

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

2011-R131 Approving an Amendment to Chapter A205 "Council  
Procedural Guidelines", Rule 10: Appointments, of the  
Code of the Township of West Windsor

Motion to approve: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

#### COUNCIL REPORTS

Ms. Ciccone advised that WalMart is offering a grant that will further assist the Environmental Commission with environmental sustainability.

ADMINISTRATION UPDATES

Mr. Hary informed Council that the Parking Authority contracted with ACT Engineers for the Phase 3 Study of the Compost Station. He advised that 100% of the cost of the study will be reimbursed by the State to the Township who in turn will reimburse the Parking Authority for the original cost of the study.

Mr. Hary spoke about the sidewalk and crosswalk improvements by the County on the property located in front of Windsor Plaza.

ADDITIONAL PUBLIC COMMENT

Mr Greg Harris, 16 Piedmont Drive, raised questions concerning the preparation of meeting minutes, the filming of the Business Sessions, the process for approving resolutions, and the lack of information being made available at Council meetings.

Mr. Alvin Lerner, 67 Rainflower Lane, addressed several concerns including the litigation between the Mayor and Mr. Morgan.

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 litigation.

Motion to go into closed session at 9:43 p.m.: Borek

Second: Morgan

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

MEETING RECONVENED

The meeting reopened at 10:23 p.m.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Ciccone

RCV: all ayes

The meeting was adjourned at 10:23 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township