

APPROVED: August 15, 2011

WEST WINDSOR TOWNSHIP COUNCIL  
AGENDA SESSION  
June 20, 2011

CALL TO ORDER: President Khanna called the meeting to order at 7:10 p.m. after the Board of Health meeting.

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: Geevers, Morgan; Mayor: Hsueh (left the meeting at 8:30 p.m.); Business Administrator: Hary; Township Attorney: Herbert; Deputy Township Clerk: Huber

ABSENT: Borek

Mr. Morgan requested clarification on how the Council President was going to handle public comment during the meeting.

President Khanna advised that he will continue to handle public comment portions of the meeting as in the past with a more relaxed atmosphere.

Ms. Geevers requested amending the agenda to include a discussion of the Municipal Code Chapter 4 "Administration of Government", Article III "Council", Subsection 12, "General Powers and Duties".

Motion to add discussion on Chapter 4, Article III, Subsection 12 of the Municipal Code: Geevers

Second: Ciccone

RCV: Borek - absent

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

PUBLIC COMMENT

Mr. Al Lerner, 67 Rainflower Lane, voiced his concerns about Resolution 2011-R128 and the litigation between Mr. Morgan and Mayor Hsueh.

Mr. Franc Gambatese, 3 Lanark Drive, advised that the Township has lost a valuable member of the community with the passing of Sean Kehler. He noted that employees of Lowes have collected \$500.00 for the Twin W Rescue Squad in Sean's name. Mr. Gambatese suggested that a proclamation be prepared outlining Sean's contributions to the Township.

Mr. John Church, 11 Princeton Place, inquired about the Council President's ruling on public comment.

President Khanna noted that residents should address the Council President with their comments.

Mr. Andy Bromberg, 24 Providence Drive, spoke about the litigation between Mr. Morgan and Mayor Hsueh and he hoped that the matter can be mediated.

Mr. Pete Weale, 144 Fisher Place, requested clarification on the protocol for response to public comment. He addressed the following issues: need for repairs in the stamped concrete on the Alexander Road roundabout; funding to be received with the access to the right-of-way for the installation of fiber optic lines; Resolution 2011-R128 over-expenditure; and suggested that Public Works' employees maintain detention basins throughout the Township instead of hiring outside contractors.

Mr. Marshall Lerner, 3 Sapphire Drive, inquired how much has been spent on the redevelopment project to date.

Mayor/Administration

Lightower Fiber Networks Presentation

Mr. Hary introduced Mr. Charles Jackson, Engineer from Lightower (Fiber Optic Network).

Mr. Charles Jackson, Engineer, Lightower Fiber Networks, gave a brief overview of his company and noted that by approving this resolution their company will bring competition and lower prices for fiber optic networks to West Windsor.

Members of Council asked questions and voiced concerns. Mr. Jackson and Mr. Herbert addressed Council's issues. Ms. Geevers suggested asking the New Jersey League of Municipalities to address Council's concerns regarding charging these companies for usage of municipal rights-of-way.

2011-R112 Authorizing the Mayor and Clerk to Execute a Right-of-Way Use Agreement with Light Tower Fiber Long Island LLC dba Lightower Fiber Networks

Motion to approve: Ciccone

Second: Geevers

RCV: Borek - absent

aye Ciccone

aye Geevers

Morgan - abstain

aye Khanna

MUNICIPAL CODE CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE III "COUNCIL", SUBSECTION 12, "GENERAL POWERS AND DUTIES"

Ms. Geevers handed out her proposed amendments to Article III, Subsection 12, and noted that she anticipates this will help in settling the pending litigation between Mayor Hsueh and Mr. Morgan.

Mr. Morgan responded that he does not care if his wording is used but that the wording makes it clear that a response should be in writing, within a reasonable timeframe, and cannot be ignored.

Ms. Ciccone advised that because of the form of government residents are sometimes informed about issues before Council. She suggested that the proposed amendments be forwarded for review and comment to the New Jersey League of Municipalities.

President Khanna advised that he is not in favor of any changes to the Code, and noted that since the litigation is still in an active stage he advised it is an inappropriate time for this action and that the matter should be tabled until the lawsuit is settled.

Motion to forward Mr. Morgan's amended version and Ms. Geevers' version to the New Jersey League of Municipalities for review and comment: Ciccone

Second: Geevers

RCV: Borek - absent

aye Ciccone

aye Geevers

aye Morgan

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

Mr. Hary advised that this action to amend the current contract is necessary to add an additional \$10,000 for current and future expenditures.

Ms. Geevers noted that the matter could be resolved by working together to make revisions to the current procedures. She asked Mr. Morgan if he would consider asking the Judge and the attorney for the Mayor for a stay during the revision process.

Mr. Morgan advised that he has already sent a letter requesting a stay and to date has not received a response.

Discussion ensued.

Motion to approve as amended to \$7,500: Ciccone

Second: Geevers

RCV: Borek - absent

aye Ciccone

aye Geevers

Morgan - abstained

aye Khanna

COUNCIL MEMBER/CLERK

SIGN ORDINANCE REVISIONS

Mr. Morgan reviewed his proposal on temporary signage for area businesses.

Discussion ensued among members of Council as to how to handle the signage issue.

Ms. Ciccone advised that there is still the need to discuss political signs and suggested placing this topic on the July agenda session.

Motion for the Township Attorney to prepare a draft ordinance to include political signs and temporary business signs for the June 27 Business Session: Ciccone

Second: Morgan

RCV: Borek - absent

aye Ciccone

NAY Geevers

aye Morgan

aye Khanna

OBJECTIVES/PRIORITIES FOR 2012 BUDGET

Mr. Hary advised that one of the suggestions made in the Efficiency Study Report was to conduct quarterly meetings with the Mayor and Council on short-term and long-term goals. He noted that in reviewing the capital budget the Administration would like to move forward with roadways and pedestrian and bicycle improvements. Mr. Hary proposed that the Municipal Building renovations and Public Works Facility improvements are funded by the sale of the new consumption liquor license.

President Khanna suggested scheduling work sessions before the normal budget discussions to review and agree on long-term objectives and goals. He suggested conducting these work sessions as soon as possible.

Ms. Ciccone noted that the discussion also has to revolve around what Township services residents want continued going forward

and the potential addition of more parks and fields. She suggested conducting an analysis on the Public Works Facility.

Ms. Geevers noted that residents want some of the funds from the sale of the liquor license to be used for tax relief.

Mr. Hary advised that it is Administration's opinion that one-time revenues should never be used for reducing taxes.

Discussion continued between Council and Administration and it was suggested that a work session be scheduled in August to review future Capital projects.

#### TRUST FUND ACCOUNTS REVIEW

Mr. Hary gave a brief review of how the Recreation Trust, Affordable Housing Trust, Transportation Improvement District Trust and Snow Trust Fund accounts are set up.

#### REDEVELOPMENT

Mr. Hary handed out an update on the expenses to date for redevelopment.

#### COUNCIL REPORTS AND COMMENTS

Mr. Morgan reported that the West Windsor Parking Authority had a meeting and discussed two alternate parking scenarios for the compost facility.

Ms. Geevers reported on several items discussed at the last Planning Board meeting.

Ms. Ciccone commented that she used the Dinky train service this morning and it was at capacity both ways. She suggested that West Windsor participate in the review of these services along with Princeton University, Princeton Borough, and Princeton Township.

Mr. Hary advised that the Township has been involved in the Bus Rapid Transit (BRT) discussions.

President Khanna reported the Mosque was approved at the last Zoning Board meeting.

Mr. Hary advised that 1,500 residents participated in the Township's Dumpster Day last Saturday.

Council suggested adding an additional Dumpster Day.

Mr. Hary advised that this topic should be added to a future budget discussion.

PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, noted that the detention basin in the area of Canoe Brook Drive is overgrown. He advised that he has given Council a report on the Efficiency Study and is still working on his budget comparison of West Windsor with area townships.

Mr. James Brennan, 1 Monterey Drive, advised that a new Public Works facility is needed.

Mr. Robert Murray, 20 Lorrie Lane, advised that the Township currently has ordinances in place that if enforced could generate revenue for the Township. He also suggested that the Planning Board review the sign ordinance discussed this evening.

CLOSED SESSION

Motion to go into closed session at 9:50 p.m.: Ciccone

Second: Geevers

VV: All approved, Borek absent

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 InterCap Settlement Agreement.

Meeting reconvened at 10:10 p.m.

ADJOURNMENT

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

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

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Sharon L. Young  
Township Clerk  
West Windsor Township