

APPROVED: July 11, 2011

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
May 16, 2011

CALL TO ORDER: President Khanna called the meeting to order at 6:36 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 and on May 12, 2011 a Special Notice for a Closed Session was provided to the Princeton Packet, The Times by the Municipal Clerk and posted in the West Windsor Township Municipal Building.

ATTENDEES: President: Khanna; Vice President: Ciccone; Council: Borek, Geevers; Business Administrator: Hary; Township Attorney: Herbert; Chief Financial Officer: Louth (7:00 p.m. to 8:30 p.m.) Auditor: Antonides (7:00 p.m. to 8:30 p.m.); Township Clerk: Young

ABSENT: Morgan

CLOSED SESSION

Motion to go into closed session at 6:36 p.m.: Geevers

Second: Ciccone

RCV: aye Ciccone

aye Geevers

Morgan - absent

aye Borek

aye Khanna

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 Roed vs. West Windsor.

MEETING RECONVENED

Meeting reconvened at 6:55 p.m.

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

Motion to amend the order of the agenda to move forward Ceremonial Matters and/or Topic For Priority Consideration:
Borek

Second: Ciccone

VV: All approved, Morgan absent

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

PROCLAMATION RECOGNIZING WEST WINDSOR CUB SCOUT PACK 66

Councilman Borek advised that the scouts and parents of Cub Scout Pack 66 cleaned the Ron Rogers Arboretum and surrounding trails on April 2nd in preparation for the Township's Annual Arbor Day celebration. He read the proclamation and presented it to Cub Master Fred Munsch.

Mr. Munsch thanked Council and the Mayor for giving Pack 66 the proclamation and noted he could not accomplish the work without the support of the parents.

Ms. Geevers thanked the cub scouts for cleaning the park and noted it is great to see children this young participating with their parents in community service.

Ms. Ciccone thanked everyone including the parents and noted these are fine young scouts.

President Khanna commended the cub scouts and their parents.

Mr. Borek again thanked everyone for planting the seeds of volunteerism at an early age.

PUBLIC COMMENT

Ms. Silvia Ascarelli, 27 Melville Road, thanked Council for all the sidewalk improvements currently being installed throughout the Township and announced that this is National Bike Month. She announced that the West Windsor Bicycle and Pedestrian Alliance are sponsoring a Ride of Silence on May 18th at 7:00 p.m. to honor those riders who have lost their lives while biking. Ms. Ascarelli noted that on May 21st the Alliance will be conducting training classes at the West Windsor Farmers' Market for children to learn how to ride bikes without training wheels.

Ms. Kim White, 54 Montgomery Street, advised what the Township must provide according to State Statute for animal control services.

Mr. Pete Weale, 144 Fisher Place, reviewed many items to include signage, community service projects for students in grades nine through twelve, and commented on a recent article in the U.S. Route 1 Newspaper regarding the West Windsor Arts Council.

Ms. Janet Lerner, 67 Rainflower Lane, noted she wanted to take this opportunity to congratulate the Council on the way they handled the school budget.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary announced that the Township is anticipating receipt of \$96,000 from the Federal Emergency Management Administration (FEMA) for the December 2010 snowstorm. He reported that

someone drove their car through the girls' softball field at Community Park and that Public Works is repairing the damage.

COUNCIL MEMBER COMMENTS

Ms. Geevers reported that at the School Board's Reorganization meeting Mr. Hemant Marathe was re-elected as President and Mr. Robert Johnson as Vice President. She reported that the School Board is holding a special meeting tomorrow to ratify the budget cuts voted on by both West Windsor and Plainsboro Townships. Ms. Geevers encouraged residents to attend School Board meetings.

Mr. Borek advised that he has experienced cars racing at Community Park. He requested that Administration check on a dead tree and needs to be removed on Clarksville Road in the area of Maurice Hawk School.

Ms. Ciccone advised that attendees of the "Ride of Silence" will have a police escort. She noted that motorists seem to be more aware of cyclists and pedestrians on area roadways and reminded cyclists and pedestrians to follow the rules of the road.

CHAIR/CLERK COMMENTS

Ms. Young announced that petitions for the three vacant Council seats for the upcoming Municipal Election in November are available in the Clerk's Office.

PUBLIC HEARINGS

2011-09 AN ORDINANCE AUTHORIZING A COST-OF-LIVING ADJUSTMENT (COLA) OF 3.5 PERCENT AND THE RE-ESTABLISHMENT OF CAP BANKING

President Khanna opened the Public Hearing.

Mr. Hary gave a brief explanation.

Mr. John Church, 11 Princeton Place, inquired about the justification of the ordinance and requested an explanation for the use of the funds.

Ms. Louth advised that this ordinance is a planning tool for the future and has no effect on the current operating budget. She noted that this is a safeguard for decisions which might need to be made in the 2012 or 2013 budgets. Ms. Louth advised that with this ordinance in place the Township would have the ability to utilize these funds in the event the "cap laws" change. She advised it has no impact on taxes; it is an appropriation cap, which allows the total budget to increase if necessary.

Mr. Hary reiterated that it is a planning tool for the next two budget cycles.

Mr. Borek advised that even with this ordinance the Township would have to go to the voters to increase the budget above the 2% cap.

Mr. John Church, 11 Princeton Place, again asked several questions on how the process works.

Mr. Bill Antonides, Township Auditor, advised that the ordinance does not raise taxes, but gives the Township a bank, which is allowed by State Statute. He noted the State allows municipalities to establish "cap banking" accounts and advised there is no liability by doing so. Mr. Antonides advised the wording in the ordinance is mandated by the State and cannot be changed.

Mr. Al Lerner, 67 Rainflower Lane, inquired if the ordinance is based on the current cost of living adjustment.

Mr. Pete Weale, 144 Fisher Place, advised that this action is not necessary and should be removed from the agenda.

Mr. Antonides again explained the difference between the levy cap for the operating budget and cap banking.

Mr. Pete Weale, 144 Fisher Place, again voiced his opinion and displeasure with the ordinance.

Motion to close public hearing: Ciccone

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

Morgan - absent

aye Khanna

Discussion continued on the pros and cons for cap banking between Administration and Council.

Motion to adopt: Borek

Second: Khanna

RCV: NAY Borek

NAY Ciccone

NAY Geevers

Morgan - absent

aye Khanna

Mr. Herbert advised that a revote was necessary because the maker of the motion cannot vote against the action.

Motion to adopt: Borek

Second: Khanna

RCV: aye Borek

NAY Ciccone

NAY Geevers

Morgan - absent

aye Khanna

2011 MUNICIPAL BUDGET PUBLIC HEARING

Ms. Louth presented a PowerPoint presentation on the 2011 budget.

Ms. Louth reviewed the following:

- Total operating and salary & wages expenses: \$37,340,000
- Animal Control Services reduction: \$22,226
- Elimination of Position and Overtime reduction: \$42,950
- 5% Reduction in Non-essential Overtime: \$5,800
- Reductions to 2011 Capital Budget (5% Down Payment): \$7,200
- Addition of Drunk Driving Enforcement Grant funding: \$13,176.

Ms. Louth further explained that the Municipal Tax Rate for 2011 is .0369 cents, which is an increase to the average residential assessment of \$527,376 of \$127.00. She advised that the tax levy is under the State-mandated 2% cap.

Mr. Pete Weale, 144 Fisher Place, advised that he is struggling with the increase of the 2011 budget by \$293,000 over the 2010 budget and suggested various items he felt could be adjusted in the budget.

Mr. John Church, 11 Princeton Place, advised that during his comparison of the Township's budget with surrounding municipalities, he found several areas which need to be justified to include sewer and water charges. He suggested that fire hydrant fees be reviewed prior to next year's budget. Mr. Church noted he should have his preliminary report to Administration and Council in the next few weeks.

Mr. Pete Weale, 144 Fisher Place, inquired if the \$3.9 million for capital projects is going to be bonded for 2011 and requested to see the debt service figures for the past 20 years.

Ms. Louth addressed Mr. Weale's questions.

Mr. Kevin Friis, 18 Banff Drive, Chief Twin W First Aid Squad, noted that the Squad has requested that the contribution from the Township be increased by \$15,000 to bring the Squad up to the same level of contributions as the two volunteer fire departments. He advised that he has spoken with Mr. Hary regarding areas where the Township could possibly assist the squad.

Mr. Hary suggested several options to include defraying some of the cost of supplies used by both the career staff and volunteers, transfer additional funds if available after November 1st, and consider the squad's request for additional funding for future budget years.

Mr. Borek and Ms. Geevers volunteered to be on the committee to review the various options.

Mr. Borek requested clarification on "per employee" pension costs.

Ms. Louth addressed the question.

Motion to close the public hearing: Borek
Geevers

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

Mr. Borek advised that the budget process is not easy. He advised that Administration and the Council need to review whether the Township can run efficiently with less staff and to review benefits received under the various union contracts.

Ms. Geevers noted the need to try to increase revenues and suggested that Payment in Lieu of Taxes (PILOT) with Princeton Seminary should be reviewed along with Princeton University and the Jewish Community Center properties. She requested a discussion on health benefits be scheduled for the June agenda session before union contracts are approved.

Ms. Ciccone thanked Administration for working with Council during this budget season and noted that Council and Administration have agreed to start working on the 2012 budget starting in June. She reviewed several items that were reduced or eliminated in the 2011 budget. Ms. Ciccone advised there is a need to start looking at things differently to include reviewing ways to reduce costs, but maintain the same level of service. She noted that she supports the proposed budget, but will continue to push the envelope to find ways to save.

President Khanna thanked everyone for working together to produce this budget. He noted that things are not getting any better and recommends setting goals early in the 2012 budget process. President Khanna advised that the efficiency study was a "wake-up" call to get the dialogue started and additional studies may be necessary. He noted that Council needs to have feedback from the community in ways the residents recommend the budget could be reduced. He advised he supports the 2011 proposed budget.

Motion to adopt the 2011 budget: Borek

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

Morgan - absent

aye Khanna

CONSENT AGENDA

RESOLUTIONS

2011-R103 Granting a Permit for DARE New Jersey Inc. to Conduct
Fireworks Display at the Mercer County Park on June 4,
2011

2011-R104 Granting Release of a Cash Performance Bond for Street
Opening Permit No. 2010-08 for 21 Greenfield Drive
North - \$500.00

BILLS & CLAIMS

Motion to approve consent agenda: Geevers

Second: Borek

RCV: aye Ciccone

aye Geevers

Morgan - absent

aye Borek

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION

2011-R105 Authorizing Payment to Trudy C. Moore for Settlement
of Litigation-\$2,712.00

2011-R106 Authorizing the Insertion of the Click It or Ticket
Grant in the 2011 Municipal Budget-\$4,000.00

2011-R107 Authorizing the Insertion of the Clean Communities
Grant in the 2011 Municipal Budget-\$46,827.86

2011-R108 Supporting NJ Transit in Relocating a Bus Stop at Nassau Park Boulevard and Houston Street

2011-R111 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Note-Harvey Associates for West Windsor Community Park Parking Lot Expansion - \$30,650.00

2011-R113 Authorizing the Mayor and Clerk to Execute a Contract with George Dapper, Inc. for the Project known as Provide School Bus Transportation Services for the Township Division of Recreation and Parks, for the Period June 27, 2011 through August 19, 2011 - \$24,892.86

Motion to approve resolutions 2011-R105 through 2011-R108, 2011-R111 and 2011-R113: Borek

Second: Ciccone

RCV: Ciccone*

aye Geevers

Morgan - absent

aye Borek

aye Khanna

*Ms. Ciccone voted "no" on Resolution 2011-R111 and "yes" on Resolutions 2011-R105 through 2011-R108 and 2011-R113.

2011-R109 Granting Permission to the Township Engineer to Issue a Road Opening Permit at 408 North Post Road

Ms. Geevers suggested an additional "Whereas" be added to the resolution.

Motion to approve as amended: Geevers

Second: Borek

RCV: aye Ciccone

aye Geevers

Morgan - absent

aye Borek

aye Khanna

2011-R110 Authorizing the Mayor and Clerk to Execute a
Professional Services Agreement with Van Cleef
Engineering Associates for South Post Road Wastewater
Pumping Station Rehabilitation - \$32,870.00

Ms. Geevers noted that according to the quotes received, Van Cleef Engineering Associates is not the lowest bid and noted that the contract should be awarded to Van Note Harvey who is the lowest bidder.

Mr. Hary noted that each of the engineering firms used by the Township have their specialties. He advised that usually the Township Engineer's office recommends the company with the lowest bid; however, Van Cleef Engineering designed the South Post Road pump station and therefore they are familiar with the project. Mr. Hary noted that the Township Engineer believes it will be beneficial and less costly to have Van Cleef Engineering complete the project.

Ms. Geevers again noted that in this economy the Township should be taking the lower price.

Ms. Ciccone inquired if the proposal reflects the 5% cost reduction for services they agreed to earlier this year.

Mr. Borek requested clarification on if the contract is voted down what the additional cost would be to the Township if they go with the other firm.

Mr. Hary addressed other concerns of Council.

Discussion ensued. Council requested Administration to ask Van Cleef Engineering if they would consider reducing their costs to match the quote offered by Van Note Harvey.

The resolution was deferred.

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

Ms. Geevers inquired whether surrounding Townships are also approving additional fiber optic lines to be installed.

A brief discussion ensued among members of Council and Mr. Hary. Ms. Ciccone requested that this matter be tabled until the next agenda session so that Administration can schedule a presentation by the vendor on this matter.

Motion to defer action on resolution 2011-R112 to the June 20th Agenda Session: Borek

Second: Geevers

RCV: aye Ciccone

aye Geevers

Morgan - absent

aye Borek

aye Khanna

INTRODUCTION OF ORDINANCES

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

Motion to introduce: Borek

Second: Ciccone

RCV: aye Ciccone

aye Geevers

Morgan - absent

aye Borek

aye Khanna

Ms. Young announced that the Public Hearing will be conducted at the June 13, 2011 Business Session.

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

Motion to introduce: Borek

Second: Geevers

RCV: aye Ciccone

aye Geevers

Morgan - absent

aye Borek

aye Khanna

Ms. Young announced that the Public Hearing will be conducted at the June 13, 2011 Business Session.

COUNCIL REPORTS

Ms. Geevers requested Administration to review the issue of various stores throughout the Township placing items for sale in their parking areas.

ADDITIONAL PUBLIC COMMENT

Mr. Al Lerner, 67 Rainflower Lane, advised he wants to revisit Mr. Church's remarks on the sewer and water facilities at East Windsor. He inquired whether they would be able to share these services with West Windsor.

Mr. John Church, 11 Princeton Place, advised that East Windsor's system is sized for their community. He voiced his opinion on 2011-R110 advising that most companies give a contingency within their bid. Mr. Church noted that Mr. Borek should have withdrawn his motion on Ordinance 2011-10.

Ms. Janet Lerner, 67 Rainflower Lane, noted she understood the potential need of 3.5% cap banking.

Mr. Pete Weale, 144 Fisher Place, again voiced his displeasure with temporary signage throughout the Township. He advised that Administration should be working on decreasing the municipal budget and not increasing it. Mr. Weale noted his concerns with various New Jersey Transit bus stops along Route One; the need

for more shared services; and suggested that the Council adopt a policy to answer the public's questions during Council meetings.

ADJOURNMENT

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

The meeting was adjourned at 9:28 p.m.

Sharon L. Young
Township Clerk
West Windsor Township