

APPROVED: November 28, 2011

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
October 24, 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 September 13, 2011 for cancellation/rescheduling of the October 17<sup>th</sup> Business Session to October 24<sup>th</sup>.

ATTENDEES: President: Khanna; Vice President: Ciccone; Council: Borek; Geevers, Morgan; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Cayci; Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

President Khanna asked to have Ceremonial Matters moved forward prior to Public Comment.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Resolution 2011-R201 - In Memoriam Sean Kehler

President Khanna read the resolution into the record.

Mr. Kehler, Sean's father, spoke about how Sean loved volunteering for the Twin "W" First Aid Squad. He thanked the Council and the Mayor for the honor of having their son recognized for his dedication and volunteer efforts.

Council made comments commemorating Sean and gave their condolences to the family.

Council approved the resolution for Mr. Sean Kehler.

PUBLIC COMMENT

Ms. Lauren Kohn, 11201 Harcross Court, advised that Mr. Sean Kehler accepted her volunteer application to the Twin "W" First Aid Squad. She spoke of his spirit of volunteerism.

Mr. John Church, 11 Princeton Place, spoke about the debates and noted that the candidates were well prepared. He asked for the hourly rate of the consultant referenced in Resolution 2011-R205.

Mr. Pete Weale, 144 Fisher Place, spoke about the candidate debate and made suggestions for budget reductions.

Mr. Alvin Lerner, 67 Rainflower Lane, advised that the debate was very informative and uplifting. He asked for a more thorough explanation of Resolution 2011-R211.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Robert Hary advised Council of the following:

- Governor Christie will be honoring volunteers for their efforts during Hurricane Irene. He noted that West Windsor will be sending the Chief of Police and the Chiefs for the volunteer fire companies and the Twin "W"
- Windsor Plaza: site work has begun
- Valero Gas Station: convenient store has been approved for the location and renovations will begin
- Community Park: back parking lot has been completed
- Mayor met with residents who experienced flooding during the hurricane
- Parking Authority: spoke of the new parking lot project
- Flu Clinic was a success

COUNCIL MEMBER COMMENTS

Mr. Borek spoke about the training the future members of the Police Division must complete.

Mr. Morgan advised that West Windsor's form of government institutionalizes conflict in government. He suggested that a charter study be conducted to consider a change in the form of government for the Township.

Ms. Geever asked to have discussion about electronic signs at the next agenda session. She advised that Mercer County Community College was expanding and inquired about construction fees that are waived because it is a County building.

Ms. Ciccone suggested that the waiving of the fees that should be paid to the Township is a discussion for the League of Municipalities. She noted that civility should rise above differences and Council Members should agree to disagree. Ms. Ciccone advised that bicyclists and pedestrians should use reflective tape during the evening hours.

#### CHAIR/CLERK COMMENTS

President Khanna explained that Public Comment is not a question and answer period and asked the public to respect the guidelines.

Ms. Young spoke of the General and Municipal Election that will be held on Tuesday, November 8, 2011 from 6 a.m. to 8 p.m.

#### PUBLIC HEARING

2011-21     AN ORDINANCE AMENDING CHAPTER 200, SECTION 200-152 OF  
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)  
PERTAINING TO TEMPORARY POLITICAL SIGNS

President Khanna opened the public hearing.

Mr. Hary advised that the Planning Board does not recommend the adoption of the ordinance. He noted that a resolution was also to be considered to either deny or approve the Planning Board's recommendations.

Mr. Morgan noted that if the ordinance is adopted it can still be amended after the Zoning Officer's review.

Ms. Ciccone suggested that a protocol should be followed. She noted that the Planning Board did not deal with the election sign portion of the sign ordinance.

Ms. Geevers advised that Planning Board has spent a lot of time reviewing the ordinance and speaking to area businesses.

Motion to close public hearing: Morgan

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

Mr. Morgan spoke about the need for the changes to the ordinance. He noted that the amendments are reasonable.

Mr. Borek commented that an ordinance needs to be on the books until the Planning Board has the opportunity to do a full review of the sign ordinance.

Ms. Geevers reviewed specifics that were missing in the ordinance and advised that she did not support the ordinance.

Ms. Ciccone advised that she is against signs being in the public right of way. She addressed several concerns and suggestions pertaining to the ordinance.

Ms. Cayci explained that Ms. Ciccone's suggestions would be considered substantive and another publication and hearing would be required before the ordinance could be adopted.

President Khanna suggested waiting for adoption of an ordinance until the Planning Board can do a full review.

Mr. Hary noted that residents are already overloading Administration with complaints. He advised that he wants to avoid signs being placed everywhere and suggested that the Planning Board be given the time to do a thorough review of the entire ordinance.

2011-R217 Resolution Addressing Planning Board Recommendations  
Regarding Ordinance 2011-21

Motion to approve: Morgan

Second: Ciccone

RCV: NAY Borek

aye Ciccone

NAY Geevers

aye Morgan

NAY Khanna

Resolution 2011-R217 was not approved.

Motion to adopt ordinance 2011-21: Morgan

Second: Ciccone

RCV: NAY Borek

Ciccone - abstain

NAY Geevers

aye Morgan

NAY Khanna

Ordinance 2011-21 was not adopted.

CONSENT AGENDA

RESOLUTIONS

2011-R202 Refund of Overpaid Property Tax

2011-R203 Authorizing the Municipal Endorsement of the  
Application of Keith R. Branche for Membership in the  
New Jersey State Firemen's Association

MINUTES

September 6, 2011 - Closed Session

September 12, 2011 - Agenda Session

September 17, 2011 - Special Work Session

September 17, 2011 - Closed Session

October 3, 2011 - Closed Session

Motion to approve consent agenda as amended: Borek

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan, abstaining from minutes for meetings at which  
he was not present

aye Khanna

ITEMS REMOVED FROM THE CONSENT AGENDA

2011-R204 Declaring October to be Community Planning Month

Ms. Ciccone noted that this resolution is being approved too late in the month and should have come before Council in September.

BILLS & CLAIMS

Mr. Morgan noted that he will be abstaining from the Secare invoices. He also advised that the invoices are for a significant amount.

Motion to approve 2011-R204 and Bills and Claims: Morgan

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan, abstained from Secare invoices

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION

2011-R211 Authorizing the Mayor and Clerk to Execute a  
Redevelopment Agreement with CDNJ Plaza LLC and  
Designate as the Redeveloper of a Portion of the  
Princeton Junction Redevelopment Area

Mr. Hary asked that Resolution 2011-R211 be pulled by recommendation of Mr. McManimon, Township Redevelopment Attorney, for further review.

- 2011-R206 Authorizing the Business Administrator to Execute Change Order No. 2 with Caruso Excavating Inc. for Reparation of Pond Bank Erosion Which Resulted from Storm Damage to Duck Pond Park-\$8,470
- 2011-R207 Authorizing the Business Administrator to Execute Change Order No. 1 with Lucas Construction Group for Final Quantities Adjustment and Project Closeout for the Project Known as Alexander Road (S-Curve) Improvements-\$65,922.93
- 2011-R208 Authorizing the Business Administrator to Execute Change Order No. 1 with Orchard Holdings for Final Quantities Adjustment and Project Closeout for the Project Known as 2010 Pedestrian Safety Improvements-\$890.00
- 2011-R209 Granting a Reduction of Performance Guarantees to Avalon Bay Communities for a Reduction in the Performance Guarantees Associated with Avalon Watch (PB08-08)
- 2011-R212 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Princeton Animal Hospital for Veterinarian Services-\$10,000
- 2011-R214 Authorizing the Mayor and Clerk to Execute an Agreement with Middlesex Regional Educational Services Commission to Establish a Cooperative Pricing System for West Windsor Township
- 2011-R215 Authorizing the Purchase of a 2012 4WD Pickup Truck with Plow for the Department of Public Works through State Contract A78847/T2754 from Ditschman/Flemington Ford Fleet Sales-\$34,571

Motion to approve 2011-R206 through 2011-R209, 2011-R212,  
2011-R214 and 2011-R215: Morgan

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

2011-R205 Authorizing the Mayor and Clerk to Execute a  
Professional Services Agreement with Eric B. Labaska  
of Frenkel Benefits as Health Insurance Benefits  
Consultant-\$45,000

Mr. Morgan addressed several concerns with the language in the contract. He also asked if Administration had checked the firm's references that were provided.

Mr. Hary addressed Mr. Morgan's concerns and advised that the Township did not want the services of a broker. He noted that he had experienced working with Mr. Labaska and the firm. Mr. Hary suggested evaluating the situation over the next year and making a decision next year on whether to continue the services.

Ms. Geevers inquired if the firm does not perform as the Township expects, can Administration ask for the return of 10% of the fees as outlined in the contract.

Ms. Ciccone advised that expectations need to be established and the terms of the agreement should be tightened to protect the Township.

Mr. Hary noted that the scope of services describes the Township's expectations.

Discussion ensued over the terms of the agreement.

Ms. Geevers noted her concern with not having an hourly rate included in the contract.

Mr. Hary explained that he did not want to have the work performed based on an hourly fee. He noted that Mr. Labaska would work directly for the Township.

Ms. Ciccone offered suggestions in an attempt to have the agreement approved by Council.

Ms. Cayci made amendments to the contract per Council's request.

Mr. Hary noted that Mr. Labaska would probably agree to the amendments.

Motion to approve 2011-R205 as amended: Morgan

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

2011-R210 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with G&B Business Associates, Inc. and APCO Petroleum Group

Mr. Hary advised that permits have been received and renovations will begin at the site.

Ms. Ciccone confirmed that the site referenced is the Valero gas station on the corner of Route 571 and Alexander Road.

Motion to approve: Morgan

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

2011-R213 Authorizing the Purchase of a 2012 Tahoe SSV 4x4  
Vehicle for the Division of Fire and Emergency  
Services through State Contract A73849 from Day  
Chevrolet Inc.-\$41,764.49

Ms. Geevers inquired about the possibility of purchasing a 2011 leftover vehicle to save the Township money.

Mr. Hary advised that the Township is at the mercy of the State contract and the availability of vehicles. He noted that the State contract is not negotiated and made available to the Township.

Motion to approve: Geevers

Second: Ciccone

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

INTRODUCTION OF ORDINANCES

2011-22 TOWNSHIP OF WEST WINDSOR ORDINANCE AUTHORIZING THE  
ACQUISITION OF A SIDEWALK EASEMENT FROM RAJEEV BEDI  
LOCATED AT BLOCK 17.18, LOT 153-\$1,200.00

Motion to introduce: Borek

Second: Ciccone

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

The Public Hearing will be held on November 14, 2011

COUNCIL/CLERK RECOMMENDATIONS

2011-R216 Approving the Application of Trader Joe's East Inc.  
for a Place-to-Place Transfer of the Distribution  
Liquor License No. 1113-44-014-001

Ms. Young explained the store was expanding at their existing location.

Motion to approve: Borek

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

COUNCIL REPORTS

Ms. Ciccone advised that the Environmental Commission is working on the nature center at the Schenck Farmstead.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, outlined his observations regarding Resolution 2011-R205.

Ms. Alison Miller, 41 Windsor Drive, noted that the Council has spent a lot of time discussing signs, probably more than any other planning topic. She suggested some options to consider regarding signage for business owners.

Mr. Alvin Lerner, 67 Rainflower Lane, addressed question regarding underground storage tanks at the Valero gas station.

Mr. Greg Harris, 16 Piedmont Drive, inquired about how the meeting process works when a Council Member is absent from the dais. He also spoke of better time management and efficient use of time.

ADJOURNMENT

Motion to adjourn: Borek  
Second: Ciccone  
RCV: All ayes

The meeting was adjourned at 9:15 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township