

APPROVED: May 29, 2012

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
April 16, 2012

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 6, 2012.

ATTENDEES: President: Khanna; Vice President: Geevers; Council Members: Borek, Maher, Samonte; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert Jr.; Chief Financial Officer: Louth; Township Auditor: Antonides; Township Clerk: Young (arrived 7:05 p.m.)

SALUTE TO THE FLAG

President Khanna led the salute to the flag.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Proclamation In Memory of the Victims of the Holocaust

President Khanna read the proclamation into the record.

PUBLIC COMMENT

Mr. Hemi Nae, 11 Wycombe Way, thanked Council for the proclamation in memory of the victims of the Holocaust.

Mr. John Church, 11 Princeton Place, spoke about getting the funds from the energy tax receipts returned to the Township. He also inquired about the status of the flood study. Mr. Church noted the cost of \$950 which goes to the water company for each fire hydrant in the Township.

Mr. Al Lerner, 67 Rainflower Lane, spoke about pollutants in the groundwater and how this affects those residents who have wells.

Mr. Pete Weale, 144 Fisher Place, acknowledged the Mayor's presence at the meeting. He addressed several health issues that were addressed by the Township. Mr. Weale noted other concerns.

Ms. Kim White, 54 Montgomery Street, noted the need for an Animal Control Officer for the Township.

Mr. Perry Weaver, 10 Endicott Lane, asked the Township to review the County's excessive budget and encourage County representatives to make reductions. He explained his concern with the addition of a mini market on Princeton-Hightstown Road.

Ms. Janet Lerner, 67 Rainflower Lane, advised that the purpose of public comment is to address issues and not to throw insults at Council and Administration.

Ms. Debbie Hepler, 10 Dean Court, addressed questions pertaining to tuition reimbursement for the Police officers. She also spoke about the Animal Control Officer position.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh explained that DEP was handling the North Post Road groundwater issues. He also spoke about his efforts in returning the energy tax receipts funds to the Township.

Mr. Hary spoke about the following issues:

- DEP handling the contaminated water and the circumstances of the long-term standing issue
- Addressed tuition reimbursement issues as they relate to the Police Division and the Union contracts
- The success of the Health Fair held March 31st
- Outlined the Summary Judgment in the Akselrad litigation
- Thanked the Firefighters for their efforts in putting out brush fires over the weekend
- Accident on Route 1 and Quakerbridge Road caused the closure of Route 1 earlier in the day

COUNCIL MEMBER COMMENTS

Mr. Maher advised that many of the Township residents are upset by the solar field project located at Mercer County Community College. He spoke about the Township urging the County to review and lower their budget expenditures. Mr. Maher commented that Mr. Hall has still not been contacted by the Township about the guardrail in his front yard.

Ms. Samonte commented on the great work the volunteer fire departments did in containing the brush fires over the weekend. She advised of her endorsement for resolution 2012-R102 that supports the New Jersey Employer Guard and Reserve with their Employment Initiative Program 2012.

Mr. Borek spoke about the quick response of West Windsor's Police Division and Emergency Services in responding to an accident involving one of the Township's volunteers.

Ms. Geevers spoke about the return of the energy tax receipts to the Township. She commented on placing a cap on the rising costs of tuition reimbursement.

PUBLIC HEARING

2012-04 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

President Khanna opened the public hearing.

Ms. Louth explained the necessity for the ordinance and advised that this ordinance would provide a planning tool for 2013 and 2014 budgets. She outlined the increase in costs predicted for 2013.

Mr. Marshall Lerner, 3 Sapphire Drive, noted his concerns with the adoption of the ordinance.

Mr. John Church, 11 Princeton Place, asked Council to have regard for future budgets but urged them not to adopt the ordinance.

Ms. Debbie Hepler, 11 Princeton Place, urged Council to reduce the budget.

Motion to close the public hearing: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

Mr. Maher explained that the ordinance violates the spirit of the Cap Law.

Ms. Samonte inquired whether the ordinance would assist the Township in providing for the new State mandates on the municipal budget.

Mr. Antonides advised that the ordinance is part of the Cap Law and it gives the Township the ability to utilize funds through the Cap Bank to fund such items as increased pension costs.

Mr. Borek spoke about having funding available for pension costs and some of the State's past practices which have restrained municipalities and their budgets. He noted that historically, pension costs rise each year.

Mr. Maher advised that stock markets are not as challenged and the pension plans should see positive increases to the funds.

Ms. Geevers spoke against the adoption of the ordinance. She suggested reducing costs if there are unexpected appropriation increases.

Ms. Samonte noted that the ordinance assists the Township in good financial planning.

Motion to adopt: Borek

Second: Samonte

RCV: aye Borek

NAY Geevers

NAY Maher

aye Samonte

aye Khanna

2012 MUNICIPAL BUDGET - PUBLIC HEARING

Ms. Louth outlined the municipal expenses and the salaries for the Township over the past few years and spoke about each department's percent of appropriations to the total budget. She reviewed major increases and decreases listed in the budget and charted historical budget revenue trends. Ms. Louth outlined the use of the Fund Balance as a tool to moderate taxes since 2007. She reviewed the tax impact number and noted that the 2012 proposed municipal tax increase is approximately \$42 a year per average residential household. Ms. Louth highlighted the 2012 Capital Budget.

Mr. James Solloway, 5 Monroe Drive, thanked Ms. Geevers, Mr. Maher and Ms. Samonte for urging Administration to keep the budget at a zero increase. He addressed concerns with the Township's budget.

Mr. John Church, 11 Princeton Place, advised that the Township is being too conservative on the revenue side of the budget and noted that the liquor license revenues should not be for building renovations.

Mr. Marshall Lerner, 3 Sapphire Drive, noted that many of the same issues have been raised several times, and both Administration and Council should listen to the residents' concerns.

Ms. Sandra Donovan, 20 Sapphire Drive, spoke of setting standards for the use of Township reserves. She supports Ms. Geevers, Ms. Samonte and Mr. Maher's efforts to reduce the budget.

Mr. Andy Bromberg, 24 Providence Drive, supports the Administration's position on the budget. He noted that one-time revenues should not be used to reduce the budget.

Mr. Alvin Lerner 67 Rainflower Lane, noted that comparing West Windsor and Plainsboro Township is not practicable. He outlined his budget recommendations.

Mr. Gary Zohn, 42 Hawthorne Drive, advised that he is against using the liquor license funds for municipal renovations. He offered suggestions for budget reductions.

Ms. Janet Lerner, 67 Rainflower Lane, noted that she does not support the zero percent budget.

Mr. Michael Donnelly, 1 Bedford Drive, spoke about the one-time use of revenues to reduce the budget and advised that it is not good fiscal practice.

Mr. John Church, 11 Princeton Place, commented that only a portion of the liquor license funds should be used toward reducing the Municipal budget.

Motion to close the public hearing: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

Motion to reduce the municipal budget by \$150,000: Borek

Second: Samonte

Mr. Borek asked that the reduction of \$140,000 be taken from the Fund Balance and \$10,000 from the Planning Board Attorney's budget.

Mr. Maher outlined his proposal for reduction of the Municipal budget to a zero increase. He spoke about the municipal tax increase of 123.8% over the last eleven years. Mr. Maher noted that the Uniform Construction revenues are understated.

Mr. Borek advised that financial stability is crucial for the Township and urged the Governor and the State of New Jersey to provide property tax relief.

Ms. Samonte explained that one of her goals was to bring expenditures back in line. She advised that best practices as recommended by the Division of Local Government Services oppose the use of one-time revenue for tax reduction.

Ms. Geevers supports a zero-percent increase and advised that there was strong sentiment expressed at the last Council meeting to reduce the budget. She outlined her suggestions for reducing the Municipal budget by \$458,000. Ms. Geevers commented that she believes in long-term financial planning and preserving the AAA Bond rating. She asked Mr. Borek to amend his motion to include the additional reductions.

Mr. Herbert noted that Ms. Geevers' amendments to the motion was not in the "spirit" of the original motion and would violate the original motion.

Mr. Borek noted that he would not change his motion to reduce the budget more than \$150,000.

Discussion ensued over the motion. It was noted that the motion appeared to be "staged" and offered no alternatives for further reductions.

Ms. Samonte asked the Chair to rule on Ms. Geevers' amendments to the original motion.

Motion to further reduce the municipal budget as follows:
\$150,000 from Fund Balance, \$200,000 from the sale of the liquor licenses, and \$100,000 increase of revenues for the Uniform Construction Code: Geevers
Second: Maher

Discussion ensued about the budget reductions as recommended by Ms. Geevers. Members of Council also discussed Robert's Rules of Parliamentary Procedures and how to follow protocol.

RCV: NAY Borek
aye Geevers
aye Maher
NAY Samonte
NAY Khanna

Motion to reduce the Municipal budget by \$150,000 (Resolution 2012-R108): Borek

Second: Samonte

RCV: aye Borek
NAY Geevers
NAY Maher
aye Samonte
aye Khanna

Motion to adopt the 2012 Municipal Budget as amended: Borek

Second: Samonte

RCV: aye Borek
NAY Geevers
NAY Maher
aye Samonte
aye Khanna

CONSENT AGENDA

RESOLUTIONS

2012-R100 Refund of Overpaid Property Taxes

2012-R101 Refund of Balance of Escrow for Development Plan Review Projects

2012-R102 Support for the Employment Initiative Program 2012 of the New Jersey Employer Support Guard and Reserves

MINUTES

February 27, 2012 - Business Session
March 2, 2012 - Budget Work Session #1
March 5, 2012 - Budget Work Session #2

Motion to approve the consent agenda as amended: Borek

Second: Geevers

RCV: aye Borek
aye Geevers
aye Maher
aye Samonte
aye Khanna

ITEMS REMOVED FROM THE CONSENT AGENDA

BILLS & CLAIMS

Mr. Maher asked for an explanation of the invoices for tuition reimbursements.

Mr. Hary outlined the costs for the Firefighter and the Police Officer's request for tuition reimbursement.

Ms. Geevers acknowledged that an invoice for Mr. Muller was pulled for payment and after Mr. Muller's review and reduction of the invoice it was approved for payment.

Motion to approve the Bills and Claims: Borek

Second: Samonte

RCV: aye Borek
aye Geevers
aye Maher
aye Samonte
aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2012-R103 Authorizing the Mayor and Clerk to Execute the Collective Bargaining Agreement with West Windsor Professional Firefighters Association Local 3610 of the International Association of Firefighters for the Period January 1, 2010 through December 31, 2012

Mr. Hary reviewed the details of the Union contract.

Mr. Borek recused himself from voting because he is a fire fighter in Jersey City.

Mr. Maher addressed some of his concerns with the contract and the language therein pertaining to tuition reimbursement. He explained that this language needs to be more specific about what can be allowed for reimbursement. Mr. Maher offered several suggestions that should be included in future labor negotiations for tuition reimbursement.

Mr. Maher also noted that the "step-system" listed in several Union contracts allows for employees to receive more than the 2% cap.

Ms. Geevers advised that "longevity" is also included in the Union contract which is in addition to the 2% salary cap.

Mr. Hary explained that the "step system" in the Police and Firefighters' contracts allows for an employee to get the seven years of salary increase before going to the 2% cap. He noted that new employees do not receive the additional salary derived from the "step system". Mr. Hary advised that the 2% cap will be on the entire Union contract as negotiations go forward.

Mr. Maher commented that this Union contract was negotiated before his term on Council began and that he was considering abstaining from voting on it. He advised that going forward he would be voting against the adoption of Union contracts like the one presented if they did not provide language for cost reductions.

Ms. Geevers reminded Council that the contract expires December 31 of 2012.

Mr. Hary explained that there were long negotiations with the Firefighters and the contract went to a mediator for recommendations for a settlement. He advised that on the next round of negotiations a concerted effort will be made to amend the language pertaining to tuition reimbursement so that it will reflect that reimbursement for tuition must be job related.

President Khanna asked that Council continue with the remainder of the items listed on the agenda then proceed to a closed session. He noted that upon the reconvening of the open meeting, Council would take a vote on resolution 2012-R103.

2012-R104 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with BANC3, Inc for the Annual Road Improvement Program-\$42,600

2012-R105 Granting Reservation of Sewer Capacity to West Windsor Gardens for the Project Known as West Windsor Gardens II

2012-R106 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with BANC3, Inc for the Roszel Road Resurfacing Project-\$10,540

2012-R107 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with West Windsor Gardens LLC

Motion to approve resolutions 2012-R104 through 2012-R107: Borek
Second: Geevers

RCV: aye Borek
aye Geevers
aye Maher
aye Samonte
aye Khanna

COUNCIL REPORTS

Ms. Geevers reviewed Planning Board discussions as it relates to the Maneely parcel and advised that written approval of the Affordable Housing spending plan has still not been received back from the State.

Mr. Borek reviewed the timeline for the new parking lot and advised that the Parking Authority will be closing on the property for the lot this week.

Ms. Geevers reminded everyone that the School Board Election is tomorrow.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, spoke about the renovations for the municipal building and the associated costs for the project. He noted that the budget display this evening was disappointing.

Mr. Jim Solloway, 5 Monroe Drive, advised that tonight was a learning experience in Robert's Rules. He noted that Council could have been more aggressive with their reductions in the budget.

Mr. Marshall Lerner, 3 Sapphire Drive, noted his disappointment with the outcome of the budget hearing. He advised that the voters will have a chance to make some changes next November.

Ms. Alison Miller, 41 Windsor Drive, spoke about the Affordable Housing Trust Fund. She urged Council to use the funds in the Trust to make living in West Windsor more affordable.

CLOSED SESSION

Motion to go into closed session at 10:20 p.m.: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

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 Union labor contracts.

MEETING RECONVENED

Meeting reopened at 10:35 p.m.

After reconvening the public meeting Council continued their discussion on Resolution 2012-R103.

2012-R103 Authorizing the Mayor and Clerk to Execute the Collective Bargaining Agreement with West Windsor Professional Firefighters Association Local 3610 of the International Association of Firefighters for the Period January 1, 2010 through December 31, 2012

Mr. Hary advised that after the mediator let the issue sit for over a year, Union members came forward and wanted to negotiate the contract through the end of 2012. He reviewed the strategy for the next round of negotiations and advised that the members will be more willing to negotiate because of the 2% cap that will be enforced on the total contract.

Mr. Maher advised that Administration greatly underestimated the costs for tuition reimbursement and will not support a contract in the future without significant language changes. He asked the Mayor and Business Administrator to make a commitment to negotiate a stronger contract for the Township.

Mr. Hary agreed to work toward that common goal and to negotiate an agreement that will be good for the Township. He suggested having work sessions in September to discuss strategies for negotiating the next Union contract.

Ms. Geevers suggested that Mr. Ruderman begin working on salary negotiations.

Discussion ensued over how to handle future Firefighter bargaining agreements.

ADJOURNMENT

Motion to adjourn: Borek
Second: Geevers
VV: All approved.

The meeting was adjourned at 10:38 p.m.

Sharon L. Young
Township Clerk
West Windsor Township