

APPROVED: March 12, 2012

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
January 30, 2012

CALL TO ORDER: President Khanna called the meeting to order at 7:08 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 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; Business Administrator: Hary; Township Attorney: Herbert Jr.; Township Clerk: Young, Bond Counsel: McManimon

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. James Solloway, 5 Monroe Drive, read a statement into the record, on behalf of Mr. Charlie Morgan who was unable to attend the meeting, about the appointment of Michael W. Herbert as Township Attorney.

Mr. John T. Jones, 252 Cranbury Road, spoke about an incident at his home involving a raccoon. He outlined the event.

Ms. Kim White, 54 Montgomery Street, reported that a rabid cat was found in Mercer County Park. She noted that the cat is part of a colony of feral cats. Ms. White made comments about the incident and how the Township handled it.

Ms. Janet Lerner, 67 Rainflower Lane, spoke about an article in the Trenton Times regarding legislation that was adopted that would allow school boards to move their elections to November.

Mr. Pete Weale, 144 Fisher Place, inquired about the absence of the Mayor at the meeting, and spoke about the animal control services for the Township. He also inquired about the no-bid contracts listed on the agenda.

Mr. John Church, 11 Princeton Place, spoke about the meeting held by DOT regarding the plan for the Route One circle. He inquired about the status of the Wallace Road sewer repairs.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary commented on the following:

- Professional Services Contracts listed on the agenda all went out for proposals and the lowest vendor was the existing vendor for the Township.
- Agreement with the Parking Authority for the construction of a parking facility at the compost facility site will be reviewed at the end of the meeting. He noted that Parking Authority members and Mr. McManimon were present to speak on the topic.
- Wallace Road sewer repair to be completed by the end of February.
- School Board meeting to be held on February 7 to discuss moving the School Board Election from April to November.
- Department of Transportation meeting at the Township building to discuss the elimination of the left turn lanes on Route One.

COUNCIL MEMBER COMMENTS

Mr. Maher noted that he and other Council Members reviewed the agenda packet information provided in great detail; he addressed questions and noted his concerns with Administration. He advised that there is a lot of waste in the bills and claims and also in some of the contracts. Mr. Maher addressed and outlined several examples including the sewer repair costs.

Ms. Samonte spoke about the Route One project and the need for Council to make sure that the residents' issues get addressed, and that Council should weigh in as a full body with their comments and concerns.

Mr. Borek spoke about the Route One pilot program and the traffic congestion it will create for West Windsor and Princeton. He advised that he reviewed this issue with Emergency Services professionals who are extremely concerned with the increase in time to get to an emergency that this program will create.

Ms. Geever noted that residents are concerned with the change in traffic patterns which will increase traffic backups. She reviewed several other issues with the pilot program for Route One which need to be addressed.

#### CHAIR/CLERK COMMENTS

President Khanna noted that Administration will be providing the budget on February 13. He commented that the Council will have two months to review the information before a vote.

#### PUBLIC HEARING

2012-01 AN ORDINANCE AMENDING CHAPTER 165 "TAXICABS AND VEHICLES FOR HIRE", SECTION 165-5 "VEHICLE REQUIREMENTS", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR

President Khanna opened the public hearing.

Mr. Pete Weale, 144 Fisher Place, asked about the changes made to the ordinance and the associated costs.

Ms. Young explained that the changes to the ordinance primarily dealt with having the vehicles identified with the Township's name in which they are licensed and their taxi number at specific locations on the taxicab.

Ms. Samonte informed the public that all the taxis should have rate books so that passengers can understand what they have been charged.

Motion to close public hearing: Borek

Second: Geevers

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

Motion to adopt: Borek

Second: Geevers

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

2012-02     AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR  
THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE  
ADMINISTRATION THEREOF

President Khanna opened the public hearing.

Motion to close public hearing: Borek

Second: Geevers

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

Ms. Geevers inquired about the status of the Human Resources Assistant position.

Mr. Hary noted that the position is not funded in the budget.

Motion to adopt: Borek

Second: Maher

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

CONSENT AGENDA

RESOLUTIONS

2012-R027 Consenting to the Re-appointment of Robert Bartolini  
to the Stony Brook Regional Sewerage Authority

2012-R028 Refund of Overpaid Property Taxes

MINUTES

December 12, 2011 - Closed Session

BILLS & CLAIMS

Council asked to have voucher 46044 pulled from Bills and Claims so that it would not be approved for payment.

Council noted their concerns with having this bill submitted for reimbursement.

Ms. Geevers advised that this voucher for sunglasses was not in the spirit of what is covered in the Union contract.

Motion to approve the consent agenda as amended: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher, abstained from voting on minutes

aye Samonte, abstained from voting on minutes

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2012-R030 Authorizing the Mayor and Clerk to Execute a Contract  
with John W. Hartmann, Esq. as Township Public  
Defender for the Period January 1, 2012 through  
December 31, 2012-\$19,200

2012-R032 Authorizing the Mayor and Clerk to Execute a Contract  
with Sockler Realty Services Group, Inc. for Various  
Valuation Analysis for Tax Appeal Defense for the  
Period through December 31, 2012-\$10,000

2012-R034 Authorizing the Mayor and Clerk to Execute a Contract with McManimon & Scotland, LLC as Bond Counsel and Redevelopment Attorney for the Period through December 31, 2012-\$50,000

2012-R036 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Marcie Tyson as Health Educator for the Township-\$17,500

2012-R042 Authorizing the Correction of the Reduction in Performance Guarantees Requested by BL Companies on behalf of Rite Aid for Phase 1 Site Improvements (ZB-04-06SP)

2012-R044 Authorizing the Business Administrator to Execute Change Order No.1 with Arawak Paving Company, Inc. for Final Quantities Adjustment and Project Closeout for Annual Road Improvements-\$56,021.69

2012-R048 Authorizing the Mayor and Clerk to Execute a Contract with Harry Haushalter, Esq. as Special Tax Counsel for Tax Appeal Defense through December 31, 2012-\$20,000

Motion to approve resolutions 2012-R030, 2012-R032, 2012-R034, 2012-R036, 2012-R042, 2012-R044, and 2012-R048: Borek

Second: Maher

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R029 Authorizing the Mayor and Clerk to Execute a Contract with Ruderman and Glickman, P.C. as Labor Attorney for the Period January 1, 2012 through December 31, 2012-\$30,000

Mr. Maher advised that Mr. Ruderman should be put on notice that the Township would like more effectiveness when negotiating Union contracts.

Motion to approve: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R031 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Vital Service Communications, Inc. for Support or Maintenance of Proprietary Computer Hardware and Software for the Period January 1, 2012 through December 31, 2012-\$17,220.00

Ms. Samonte asked for more detailed information about this agreement in the future to make an informed decision. She noted that she will vote on this agreement tonight but asked that Administration provide the information she requested.

Mr. Hary explained the need for the service and agreed to provide the additional information.

Motion to approve: Maher

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R033 Authorizing the Mayor and Clerk to Execute a Contract with Phoenix Advisors, LLC as Financial Advisor for the Period through December 31, 2012-\$3,800

Mr. Maher advised that many Wall Street firms can provide this type of information for free to potential clients.

Mr. Hary noted that Administration relies on Phoenix Advisors' expertise and commented that Bond Counsel cannot provide this type of information.

Mr. McManimon spoke in favor of Phoenix Advisors and explained some of the services they can provide.

Ms. Geevers inquired as to why the funds for this service are coming out of the Traffic Safety Improvements line item.

Mr. Hary advised that he would look into the matter and report back to Council.

Motion to approve: Maher

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R035 Authorizing the Mayor and Clerk to Execute a One-Year Extension of the Contract with Waste Management of New Jersey, Inc. for Solid Waste Collection Services for the Period of February 1, 2012 through January 31, 2013-\$475,516.90

Mr. Maher addressed questions regarding the cost for the services.

Mr. Hary explained that the 2011 fees were 20% below the previous year. He noted that the contract requests a 2% increase for each renewal year after the 2011 initial contract.

Mr. Maher advised that the cost is approximately \$5.32 per month for each resident or \$60 to \$70 a year for trash pickup. He noted that it is not that big of an expense for a full service community.

Motion to approve: Geevers

Second: Maher

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R037 Authorizing the Contract with Atlantic Salt, Inc. for the Purchase of Rock Salt through the Mercer County Cooperative Contract Purchasing System CK09-MERCER-\$81,700

Mr. Maher noted that this contract required a lot of money for rock salt. He asked if a cost analysis had been done for this purchase.

Mr. Hary advised that the Township gets a lower price when they purchase in volume. He noted that it was good fiscal management.

Motion to approve: Samonte

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R038 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering Associates for Miscellaneous Engineering Services for the Period January 30, 2012 through December 31, 2012-\$475.00

2012-R039 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with James F. Parvesse for Consulting Engineering Services for the Period January 30, 2012 through December 31, 2012-\$475.00

2012-R040 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Remington, Vernick & Arango Engineers for Miscellaneous Engineering Services for the Period January 30, 2012 through December 31, 2012-\$475.00

2012-R041 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers, Inc. for Miscellaneous Engineering Services for the Period January 30, 2012 through December 31, 2012-\$475.00

Mr. Maher inquired about the number of engineers employed by the Township.

Mr. Hary explained that the reason for so many engineers is to increase the competition for a better price and quality of work. He noted that some engineers have specific qualifications which are better for certain projects such as Mr. Parvesse who has experience with working on the Duck Pond funding because he created the schedule.

Motion to approve resolutions 2012-R038 through 2012-R041:  
Samonte

Second: Geevers

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

2012-R043 Authorizing the Business Administrator to Execute Change Order No.1 with Arnolds Roads, Inc for Final Quantities Adjustment and Project Closeout for North Post Road and Alexander Road Sidewalk Extensions-\$23,012.70

Mr. Maher explained his concern with costs associated with having the Police control traffic at road construction sites which drives up the cost of the project. He asked for alternatives to save substantial taxpayer dollars.

Mr. Hary advised that cost versus public safety would be an issue in the event of an accident. He noted that the fee for Police services is negotiated through the Union contract but he would consider alternatives for future projects.

Mr. Maher suggested that it should be reviewed on a case-by-case basis.

Mr. Herbert recommended alternatives for less traveled roads. He noted that the use of Police for traffic control is an industry standard and could potentially be used against the Township if a lawsuit were to occur.

Motion to approve: Borek

Second: Geevers

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

2012-R045 Authorizing the Business Administrator to Execute Change Order No.1 with Jonico, Inc. for Final Quantities Adjustment and Project Closeout for the South Post Road Bikeway Improvements-\$7,653.60

Mr. Maher advised that using porous material for sidewalk installation is more expensive than using concrete. He noted that the DEP guidelines are harsh and cause expense to the Township.

Mr. Herbert explained that the DEP put the regulations in place because of flooding and the need for more impervious space for the prevention of flooding.

Motion to approve: Borek

Second: Samonte

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

2012-R046 Authorizing the Appointment of Michael W. Herbert who shall Serve as Township Attorney and as the Director of the Department of Law with a Term to Expire December 31, 2013

Ms. Geevers urged Administration for this official resolution of appointment for Mr. Herbert. She also inquired about the language in the resolution and if an amended professional services agreement was necessary at this time.

Mr. Herbert noted that the current agreement was good through the end of June 2012.

Mr. Herbert clarified the reasons for the consideration of the resolution and advised that the language in the resolution was adequate.

Motion to approve: Geevers

Second: Borek

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R047 Authorizing the Mayor and Clerk to Execute an Agreement with the West Windsor Parking Authority for the Development of a Parking Facility on the Compost Site

Mr. Hary explained that this agreement was for the remediation of the compost facility and the construction of a parking lot. He advised that Administration has been working with the Parking Authority on the financials. Mr. Hary noted that the lease was for fifty years for a consideration of \$1.00 per year, and West Windsor will receive \$50,000 per year for the first ten years plus ten percent of the yearly net revenue.

Mr. Maher addressed questions regarding the revenue that will be received from the new parking lot. He inquired if the Parking Authority is a non-profit organization.

Mr. Lupo, Chairman of the Parking Authority, noted that the Authority is a non-profit organization.

Mr. Maher inquired about the parking fees increasing almost 75% over the last three years. He advised that capitalized costs should be built into the fees for the new parking lot.

Mr. Lupo noted that the Parking Authority is providing a better value than NJ Transit. He explained that a parking garage was too costly and the best value is the Wallace Street parking lot.

Mr. Maher continued to discuss the fee that will be charged at the new lot.

Mr. Borek noted that NJ Transit may build a parking lot, but the Township and the Parking Authority is most concerned about the West Windsor commuters.

Ms. Geevers thanked the Parking Authority members for their hard work over the past few years in the planning of the new parking facility. She inquired about the cost for remediation of the land.

Mr. Lupo commented that the environmental costs are estimated at \$400,000.

Mr. Maher advised that the Parking Authority will not always be servicing the NJ Transit parking lots and will be utilizing regional services. He noted that there is not a timetable for the change in services but advised that NJ Transit is a for-profit organization.

Motion to approve: Borek

Second: Geevers

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

#### INTRODUCTION OF ORDINANCES

2012-03     AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY GUARANTYING BONDS OF THE PARKING AUTHORITY OF THE TOWNSHIP OF WEST WINDSOR IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF AN ADDITIONAL PARKING FACILITY AND THE REFUNDING OF PRIOR BONDS OF THE AUTHORITY

Motion to introduce: Borek

Second: Geevers

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

The Public Hearing will be held on February 13, 2012.

COUNCIL REPORTS

Mr. Borek noted that he attended the Public Safety meeting and advised that there are concerns about the emergency response time with the proposed changes for Route One traffic patterns.

Ms. Geevers advised that at the next School Board meeting there will be discussion and a possible vote on the School Board Election being moved to the November General Election. She noted her concerns with the inability to vote on the school budget.

Mr. Hary outlined the School Board's option as it related to changing the date of the School Board Election.

Ms. Geevers urged the public to attend the School Board meeting because the community should not give up the right to vote on the budget.

Discussion ensued about the possible change in the election date for the School Board Budget.

President Khanna noted that the Mayor is on vacation and Mr. Hary is Acting Mayor in his absence.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, recommended Council adopt a resolution to retain the right to vote on the School Board Budget.

Mr. Al Lerner, 67 Rainflower Lane, spoke about the information provided to Council by Administration and the Clerk's office which assists in helping them to make an informed decision.

Mr. Quentin Walsh, 4 Petty Road, spoke about how the School Board Budget is prepared, and the exceptions to the 2% cap. He explained how the exceptions to the cap are utilized and spoke about the General Fund for the budget.

Mr. Pete Weale, 144 Fisher Place, addressed several points pertaining to the agenda topics. He noted his concerns with the costs including the cost for brush removal.

ADJOURNMENT

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

The meeting was adjourned at 9:12 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township