

APPROVED AS AMENDED: April 30, 2012

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
March 26, 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.; Deputy Township Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

2012-R081 IN MEMORIAM R. EDWARD STEELE

President Khanna read the Resolution in Memoriam of R. Edward Steele into the record.

Motion to approve: Samonte

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

FRIENDS OF WEST WINDSOR OPEN SPACE PRESENTATION

Ms. Alison Miller, President, Friends of West Windsor Open Space (FOWWOS), gave a brief overview of FOWWOS, their accomplishments, projects they are currently working on, and reported on why the Township should continue to purchase additional open space.

Ms. Samonte inquired about the Clean Streets Program and the funding the Township receives from the State.

Ms. Miller explained how the Clean Streets program works and that based on the number of hours individuals perform clean-up services depends on what the Township receives in funding.

Mr. Borek thanked FOWWOS for being involved and working with the Township on the preservation of open space.

Ms. Geever thanked all the members for their help and assistance with various purchases of open space throughout the years.

President Khanna thanked the members of FOWWOS for the great job they have done over the years.

WEST WINDSOR BICYCLE AND PEDESTRIAN ALLIANCE

Ms. Silvia Ascarelli, 1st Vice President of West Windsor Bicycle and Pedestrian Alliance, gave a brief overview of the WWBPA and noted that their organization has worked with the Township to make the community more bicycle and pedestrian friendly. She reviewed specifics on what the Township can do to continue making the Township bicycle and pedestrian friendly.

Mr. Borek complimented the members of the Alliance for working with the Township to make it more pedestrian and bicycle friendly.

Mr. Maher inquired about the numerous bicycle signs around town and specifically along Woodmere Way and asked if the Alliance could work with the Township to see that these signs are reduced in this area and placed in other areas of need.

Ms. Samonte thanked the members of the Alliance for their contributions to the community and noted there are several areas within the Capital budget for such improvements.

Ms. Geevers thanked everyone for their work, and inquired if there is grant funding available for these types of improvements.

Ms. Ascarelli advised that the Alliance will continue to work with Administration on funding and prioritizing improvements throughout the Township.

PUBLIC COMMENT

Ms. Debbie Hepler, 10 Dean Court, inquired about several agenda items. She spoke about the past meeting, the Mayor's State of the Township Address, and why Council members are not supporting Mr. Maher's call to reduce the budget.

Mr. Al Lerner, 67 Rainflower Lane, urged Council to pass the resolution for the restoration of energy taxes to municipalities.

Mr. Kevin Scanlon, 79 Conover Road, advised that he supports adding the Animal Control position back in the budget. He addressed his concerns with the current shared services agreement regarding Animal Control services.

Mr. Bill Hall, 131 Penn Lyle Road, advised that he has not received any word from the Township regarding the guardrail installed in front of his home on Penn Lyle Road.

Mr. John Church, 11 Princeton Place, reviewed three items: status of the flood study to be done for the Penns Neck area, fire hydrant services justification, and the fund balance should be cut to meet Plainsboro Township's balance.

Ms. Kim White, 54 Montgomery Street, spoke about the Mayor's speech, and inquired why we need the Hamilton shared services and climate control contracts. She advised that in her opinion West Windsor needs a full-time Animal Control Officer.

Mr. Borek advised that under the Township ordinance a candidate for public office can not campaign during public comment within 100 days prior to the election.

Mr. Quentin Walsh, 4 Petty Road, Cranbury, handed out a spreadsheet in preparation for the School Board budget meeting.

Mr. Pete Weale, 144 Fisher Place, spoke about the School Board budget and the absence of the Mayor at tonight's meeting.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary announced the following:

- Wellness Fair this weekend at the Senior Center
- Received word that the appeal by Mr. Morgan at the Supreme Court has been dismissed
- Mercer County will be finishing the paving of Clarksville Road in the next two weeks
- Princeton Seminary Housing received two Certificates of Occupancy
- Windsor Plaza project moving forward
- West Windsor Parking Authority is going out for bonding and has received a Triple-A bond rating
- West Windsor Post Office: currently working with their broker to see how many square feet they need. Will then come back to Council and Mayor with additional information.

COUNCIL MEMBER COMMENTS

Mr. Maher advised the public that members of Council hear the public's concerns and he urged Administration to give residents a timely response.

Ms. Samonte agreed that follow-up to residents' questions is needed.

Mr. Borek spoke in support of Resolution 2012-R087 which calls for the restoration of energy taxes to municipalities and that the Township could receive a substantial amount of funding currently being withheld by the Governor. He advised that he

and other Council members will attend the hearings and testify on restoring these funds to local municipalities.

Ms. Geevers noted that this will be the second time the Council has approved a resolution calling for the restoration of energy taxes to local municipalities. She requested that Ms. Hepler's and Mr. Hall's questions be addressed by Administration. Ms. Geevers requested a list of construction fees that have been waived over the past few years. She announced that the School Board budget hearing is tomorrow evening at Grover Middle School.

CHAIR/CLERK COMMENTS

President Khanna reiterated that this is a Council meeting and under this form of government the Mayor is not obligated to attend.

CONSENT AGENDA

RESOLUTIONS

2012-R082 Refund of Overpaid Property Tax

2012-R084 Authorizing the Mayor and Clerk to Execute an Easement Modification Agreement-20 Colt Circle

2012-R085 Granting the Release of Bond Posted for Street Opening Permit No. 2011-15 to Kale's Nursery-38 Oakwood Way

MINUTES

February 13, 2012 - Business Session

February 27, 2012 - Closed Session

BILLS & CLAIMS

Mr. Maher requested that resolution 2012-R083 be pulled from the consent agenda.

Motion to approve consent agenda as amended: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

ITEMS REMOVED FROM CONSENT AGENDA

2012-R083 Budget Transfer for 2011 Municipal Budget-\$27,000

Mr. Maher inquired if there will be additional transfers needed and advised that there needs to be more controls put in place regarding tuition reimbursements.

Mr. Hary advised that this is a contractual matter and that currently the reimbursements for the helicopter training are being held and that the Township has asked for this matter to go before an arbitrator for a ruling.

Discussion continued between members of Council and Mr. Hary on the matter of educational reimbursements.

Ms. Louth advised that this is the last opportunity for the Council to make this type of transfer for expenditures in 2011. She noted that the action before Council is to protect the Township in the event the Township loses the arbitration.

Ms. Geever noted that the Township needs to tighten language in the labor contracts. She suggested that reimbursement amounts should be held to New Jersey State School tuition amounts.

Ms. Louth again advised four votes are necessary to approve this action.

Discussion ensued regarding reducing the current amount of \$27,000.00 to \$19,000.00.

Motion to approve as amended to \$19,000: Borek

Second: Geever

RCV: aye Borek

aye Geever

aye Maher

aye Samonte

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2012-R086 Authorizing 2012 Emergency Temporary Appropriations

2012-R087 Resolution Calling for the Restoration of Energy Taxes to Municipalities

2012-R089 Authorizing One-Year Extension of the Contract with Princeton Air Conditioning, Inc. for Maintenance and Service of the Heating, Ventilating and Air Conditioning for Various Township Buildings-\$43,656

Motion to approve 2012-R086, 2012-R087, and 2012-R089: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R088 Authorizing the Re-Certification of West Windsor Township to Participate in the Mercer County HOME Investment Partnerships Program Consortium

Mr. Maher requested additional information on the program.

Mr. Hary addressed Mr. Maher's concerns.

Motion to approve: Geevers

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R090 Requesting Approval of the Director of the Division of Local Government Services for Dedicated Trust by Rider for Recycling Program

Mr. Maher requested further explanation.

Ms. Louth advised this resolution is for grant funding for the Township's recycling program. She noted that by approving this action it allows the Township to open a trust fund line item and develop a recycling plan to fund such things as recycling dumpsters at Public Works and Saturday Recycling and Waste Day events.

Motion to approve: Geevers

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R091 Authorizing the Shared Services Agreement with Hamilton Township to Provide Certain Public Health Services Related to STDs-\$1,100

Mr. Maher requested additional information on this action.

Mr. Hary advised that each Township is mandated to conduct this type of service. He noted that the Township has had this shared services agreement with Hamilton Township for years and if any resident of West Windsor needed this service the Township would pay the service fee of \$25 to Hamilton Township.

Motion to approve: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R092 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Spiezle Group for Preparation of a West Windsor Climate Action Plan-\$25,000

Ms. Samonte inquired about the scope of the project and noted her concerns.

President Khanna advised that the Township received funding from Walmart in the form of a grant for this study. He noted that the plan will list recommendations that the Township could choose to follow, but will not be mandated to do.

Motion to approve: Geevers

Second: Samonte

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

2012-R093 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers for the Alexander Road Improvements and Old Bear Brook Road Closure-\$45,700

Mr. Maher requested further explanation of turning Old Bear Brook Road into a cul-da-sac.

Mr. Hary addressed Mr. Maher's concerns.

Motion to approve: Borek

Second: Geevers

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

2012-R094 Authorizing the Business Administrator to Execute Change Order No. 1 with Stacey Contracting, Inc. for Final Quantities Adjustment and Project Closeout for the Heatherfield Sanitary Sewer Extension Phase II-\$57,457.46

- 2012-R095 Authorizing the Business Administrator to Execute Change Order No. 1 with En-Tech Corporation for Final Quantities Adjustment and Project Closeout for the Wallace Road Sewer Lining-\$5,716.35
- 2012-R096 Granting the Request from Avalon Bay Communities for the Release of Performance Guarantees Associated with Avalon Watch-PB08-08
- 2012-R097 Granting the Request from Kelnik Builders Inc. for the Release of Performance Guarantees Associated with Public Improvements for the Project Known as Forest Lane-PB93-12
- 2012-R098 Granting the Request from Princeton Theological Seminary for a Reduction of Performance Guarantees Associated with Princeton Theological Seminary - Replacement Housing-PB09-08
- 2012-R099 Granting the Request from Schlumberger Technology Corp for the Release of Performance Guarantees Associated with Project Known as Schlumberger Technology-PB06-15

Mr. Maher inquired if there are any outstanding issues that Council should be aware of before taking action on these items.

Mr. Hary advised there are no problems on these matters.

Motion to approve resolutions 2012-R094 through 2012-R099: Maher

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

DISCUSSION TOPICS

Municipal Budget

President Khanna gave a brief review of the budget meetings to date.

Ms. Samonte inquired about increases the Township is experiencing that fall under the 2% cap and what increases are likely in the 2013 and future budgets.

Mr. Hary advised that the Township will see an increase in pension costs in 2013. He advised that tuition reimbursements should be less in 2013 with the new contract language in place. Mr. Hary also noted that increases in the Stony Brook Regional Sewerage Authority, fuel costs, and all labor contracts will be renegotiated for 2013.

Ms. Louth advised that one additional item was added to the 2012 budget which is for brush disposal.

Mr. Hary advised that starting in 2012 Britton Industries, Inc., the Township's contractor who has not been charging for disposal of brush and leaves, will start charging for disposal of this waste in the early fall when the current contract runs out.

Ms. Geevers advised that the Township needs to look at health insurance costs.

Mr. Borek inquired about costs for fire hydrant services.

Mr. Hary gave a brief history of the Elizabethtown Water Company, now New Jersey American Water, and noted there is no formal contract with them for this service.

Mr. Maher advised that he received Mr. Hary's response to his questions/suggestions. He noted that he suggested \$169,000 in cuts to the operating budget. Mr. Maher advised that Administration wants to use the entire two million dollars from the sale of a liquor license on upgrades to municipal buildings, while he suggests splitting the funds to give some tax relief back to the residents. He explained that Administration grossly understated anticipated revenues for UCC fees and that this should be increased based on the past ten years of data. Mr. Maher noted that by using his suggestions, the residents would actually see a tax decrease. Mr. Maher also advised that various capital improvements need to be reviewed and moved a few years out. He advised that he wants his fellow Council members to work with him to reduce the budget and still look out for the best interests of the residents.

Ms. Geevers advised that the Council has not spent any time on personnel. She noted that in order to decrease the budget to a zero increase the Council has to find \$463,000. She supports efforts to get to a zero percent increase.

Mr. Maher noted his frustrations with Administration not wanting to negotiate on using the full two million dollars from the sale of liquor licenses for municipal renovations.

President Khanna advised that in his opinion this is the best budget the Administration has put together in his time on Council.

Mr. Hary advised that the two million dollars is for the Post Office, Municipal building, and the Public Works facility renovations.

Mr. Maher advised that this budget should give the residents tax relief this year. He again reviewed his suggestions for reducing the 2012 budget.

Ms. Geevers reviewed her recommendations on how to reduce the budget.

Ms. Louth expressed her concerns with the proposals and suggested that Council not pick specific revenue items to increase/decrease, but instead use more fund balance to get to a zero increase.

Discussion ensued among the members of Council and the Administration with each giving their opinions on how to reduce the budget and what the impacts would be.

Mr. Maher advised that four Council members are considering using a portion of the liquor license funds to reduce taxes, four Council members would like to see the Township revenues increased to more accurately reflect receivables, and that in his opinion he submitted \$170,000 in "fluff" that could be reduced from the budget all to lower taxes.

Ms. Samonte advised that she would be comfortable reducing the operating budget by \$50,000.

Ms. Geevers suggested increasing revenues by \$100,000 and using an additional \$100,000 of fund balance, using \$200,000 from the sale of the liquor license, and reducing the operating expenses by \$63,000 to get to a zero tax increase. She noted that Administration can reduce the line items of their choice.

Mr. Borek advised that he would need to review the proposed \$63,000 in operating budget reductions prior to voting.

Mr. Maher requested that the Capital budget be reviewed with individual departments. He noted there was some general consensus with Council on what projects could be moved out a few years. Mr. Maher also requested that Mr. Guzik work with the Bicycle and Pedestrian Alliance on their priority list of projects.

Motion to increase revenues by \$100,000, use an additional \$100,000 of the fund balance, use \$200,000 from the liquor license sale, and reduce the operating budget by \$63,000 which will reduce the current proposed municipal budget to a zero percent tax increase for the municipal rate: Geevers

Second: Maher

RCV: NAY Borek

aye Geevers

aye Maher

aye Samonte

NAY Khanna

ADMINISTRATION UPDATES

Mr. Hary advised that he will follow up with Ms. Hepler and Mr. Hall. He noted, however, that Mr. Guzik has been in touch with Mr. Hall and suggested adding plantings along the guard rail.

Mr. Maher advised that Mr. Hall has not been contacted and that he has reviewed the guard rail rules and noted it could be shortened by curving the ends in. He requested that the Township review this suggestion and get back to Mr. Hall.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, appreciates the hard work being done on the budget reductions and again suggested to take additional funding from the fund balance to reduce taxes.

Mr. David Siegel, 17 Berrien Avenue, noted that residents are still concerned with the elimination of the Animal Control Officer position.

Ms. Debbie Hepler, 10 Dean Court, advised that she is keeping a list of incidents that the police are not handling regarding animal control. She reported on an incident that happened to her at Community Park recently and suggested reducing the Police Department by one and rehiring the Animal Control Officer.

ADJOURNMENT

Motion to adjourn: Maher
Second: Geevers
VV: All approved

The meeting was adjourned at 10:35 p.m.

Sharon L. Young
Township Clerk
West Windsor Township