

APPROVED: May 13, 2013

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
April 15, 2013

CALL TO ORDER: President Borek 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 8, 2013.

ATTENDEES: President: Borek; Vice President: Samonte; Council Members: Geevers, Khanna, Maher; Mayor: Hsueh; Business Administrator: Schmid; Chief Financial Officer: Louth; Township Auditor: Antonides; Township Engineer: Guzik; Township Attorney: Goodell; Township Deputy Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

MOMENT OF SILENCE

President Borek requested a moment of silence for the events that took place today in Boston.

PUBLIC COMMENT

Ms. Alison Miller, 41 Windsor Drive, extended her thanks on behalf of the West Windsor Bicycle and Pedestrian Alliance and area neighbors for the improvements being made by the County to the Clarksville Road and North Post Road intersection. She noted that the redesign of the roadway improves the safety of residents crossing and will include dedicated left-turn and through lanes on all four sides of the intersection and eliminates the right-turn lane designation as previously presented by the County of Mercer for this intersection.

Mr. Alvin Lerner, 67 Rainflower Lane, commended the Township on Dumpster Day held over the weekend, and suggested that the

Township conduct a hazardous waste day like the County for residents.

Ms. Teresa Lourenco, 408 South Post Road, noted her frustration with the communication between the residents and County officials regarding the solar farm on the Mercer County Community College campus. She advised that due to the removal of the trees the sports field lighting now shines into their homes.

Ms. Marilyn Stoddard, 404 South Post Road, voiced her concerns regarding the solar farm process and hopes that the Township can get answers to the resident's questions. She noted that sun glare has become a problem.

Mr. John Church, 11 Princeton Place, advised that in his opinion Resolutions 2013-R098 and 2013-R099 need additional explanation prior to Council approving.

Ms. Debbie Hepler, 10 Dean Court, addressed several matters of concern to her to include the process for hiring the consultant for the Environmental Education Exhibit at the Schenck Farm, and farm lease process.

Mr. Guy Pierson, 241 Fisher Place, advised that he attended the Princeton meeting regarding Route One and asked that the Township keep the residents of the Penns Neck area informed during the process.

Mr. Pete Weale, Fisher Place, spoke about various issues of concern to him to include, street tree replacement program, sidewalk repair from street tree damage, PBA Lease, and grants from the State of New Jersey.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh requested Council's approval for Resolution 2013-R099 granting an additional \$825,000 from the New Jersey Department of Environmental Protection. He advised that the Township has come to an agreement with Mr. Cyzner for the purchase of 5 acres of land behind the Windsor Plaza shopping center. Mayor Hsueh noted that the MOU between the Township and Twin "W" Rescue Squad has been signed by their officers and is

currently being reviewed by Township staff and will be placed on an agenda in the near future.

Ms. Schmid advised that the Township Engineer, Francis Guzik, is present this evening to address Council regarding Resolution 2013-R098. She noted that paving work has started on Washington Road between Route One and the Route 64 Bridge and is open for east-bound traffic only during designated times. Ms. Schmid announced that the Township's Annual Arbor Day celebration will be held on Saturday, April 27, 2013 at the Ron Rogers Arboretum.

COUNCIL MEMBER COMMENTS

Mr. Maher suggested to Ms. Lourenco and Ms. Stoddard to provide Council with a list of their concerns.

Ms. Geevers noted she attended the Business Fair at Village School and the meeting at Princeton regarding Route One. She noted that the plan must take into consideration the impacts on the residents in the Penns Neck area and would like to have frequent updates. She suggested the need for stakeholders in the Penns Neck area be on a committee to ensure their concerns are being addressed. Ms. Geevers inquired about how the glare from the solar panels is going to be addressed. She also inquired about the status of the sale of the Acme Woods to the Township.

Mayor Hsueh advised that the Township has filed the paperwork to obtain grant funding for the woods behind Windsor Plaza, and that Administration is waiting for the two appraisals to be submitted.

Ms. Samonte requested a list of the remaining outstanding issues regarding the solar farm so that the Township can review to see how they can be addressed. She advised that the Grover Farm Restoration Committee Report has been posted on the Township web-site.

CHAIR/CLERK COMMENTS

President Borek advised that he has spoken to Ms. Lourenco and forwarded her concerns to Administration in the hopes that they receive answers from the various County agencies regarding the

solar farm. He noted that the bombing incident today at the Boston Marathon is a senseless act and advised everyone "if you see something, say something".

ORDER OF AGENDA AMENDED

CONSENT AGENDA

RESOLUTIONS

2013-R096 Authorizing the Request from Trinity Solar for a Refund of Payment for a Zoning Permit - \$35

MINUTES

March 1, 2013 - Budget Work Session #1 as amended
March 4, 2013 - Business Session
March 8, 2013 - Budget Work Session #2 as amended
March 18, 2013 - Closed Session

Mr. Maher requested that the reimbursement payment for Robert Hary, former Business Administrator, be pulled from the bills and claims.

Motion to approve consent agenda as amended: Maher

Second: Khanna:

aye Geever

aye Khanna

aye Maher

aye Samonte

aye Borek

Items Removed from the Consent Agenda

BILLS & CLAIMS

Motion to approve Bills and Claims without the purchase order for Robert Hary for vision reimbursement: Maher

Second: Khanna

aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

Ms. Schmid advised that Mr. Hary is entitled to this reimbursement as a retiree of the Township.

Mr. Maher advised that this type of reimbursement has to stop for retiree's. He noted that he will not vote for this type of reimbursement and that this needs to be reviewed and addressed during contract negotiations.

Motion to approve the purchase order for Robert Hary for vision reimbursement removed from Bills and Claims: Khanna

Second: Samonte

aye Geevers

aye Khanna

NAY Maher

aye Samonte

aye Borek

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2013-R097 Approving a Memorandum of Understanding with the County of Mercer Permitting the Acceptance of a Vehicle Donation

Ms. Geevers inquired if the vehicle has been inspected.

Mayor Hsueh advised that the vehicle has been inspected by Public Works' staff and is in workable condition.

Mr. Maher noted that Public Works Director, Mr. Drummond, has requested in a future capital budget the purchase of such a

vehicle, and this will allow Public Works the opportunity to see, at a minimal cost, whether this is the appropriate vehicle to purchase.

Motion to approve: Maher

Second: Samonte

aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-R098 Authorizing the Mayor and Clerk to Execute an Amendment to the Professional Services Agreement with ACT Engineers for the Alexander Road Improvements and the Old Bear Brook Road Closure - \$30,200

Mr. Guzik explained that several utility poles need to be moved in order to accommodate the new road widening and dedicated bicycle lane. He advised that PSE&G has requested payment from the Township for the relocation of these poles. Mr. Guzik noted that in addition to this expense additional soil testing and site landscape design modifications are necessary.

Members of Council asked various questions regarding the expenses to be incurred, to include whether the West Windsor Parking Authority is willing to help with these expenses. Council also requested that PSE&G be contacted again to see if they would relocate the poles and little or no cost to the Township.

Ms. Miller, a member of the West Windsor Parking Authority, advised that the new lot will open if necessary with access only through the Vaughn Drive lot. She advised that the Parking Authority hopes to open this lot by early summer.

Mr. Guzik advised that the bulk of the funding for the relocation of the utility poles would come from TID funds.

Council requested that Mr. Guzik speak to the Parking Authority as well as PSE&G to see what funding arrangements could be made regarding the relocation of the utility poles. It was decided to defer this item to the April 29th meeting for further

discussion to allow Mr. Guzik time to see what arrangements could be made with PSE&G and the Parking Authority.

2013-R099 Authorizing the Mayor and Clerk to Execute the Green Acres Project Agreement with the State of New Jersey DEP

Mr. Maher advised that he does not have an issue with the State providing funding, but with the restrictions on the Township once the Township has accepted the funding.

Motion to approve: Khanna

Second: Samonte

aye Geevers

aye Khanna

NAY Maher

aye Samonte

aye Borek

INTRODUCTION OF ORDINANCES

2013-07 AN ORDINANCE AUTHORIZING EXECUTION OF A LEASE OF LANDS BETWEEN THE POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL 271 AND THE TOWNSHIP OF WEST WINDSOR FOR THE LANDS COMMONLY KNOWN AS 367 NORTH POST ROAD, BLOCK 10, LOT 7, WEST WINDSOR, NEW JERSEY

Ms. Geevers requested minor word changes to the second and third "Whereas" and requested that the length of the contract be reduced.

Mr. Maher suggested a five year contract.

Discussion ensued among Council members on the length of the contract.

President Borek suggested a ten year contract length.

Mr. Goodell read the changes into the record.

Council also requested that the lease agreement be reviewed to reflect the ordinance changes if necessary.

Motion to introduce as amended: Samonte
Second: Geevers
RCV: aye Geevers
aye Khanna
aye Maher
aye Samonte
aye Borek

Public Hearing is scheduled for the April 29, 2013 Business Session.

ORDER OF AGENDA RESUMED

PUBLIC HEARING

2013-01 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

President Borek opened the public hearing.

Mr. John Church, 11 Princeton Place, voiced his displeasure regarding the ordinance, and urged members of Council not to pass this ordinance.

Mr. Al Lerner, 67 Rainflower Lane, voiced his support for the ordinance and encouraged members of Council to pass the ordinance.

Motion to close public hearing: Khanna
Second: Geevers
RCV: aye Geevers
aye Khanna
aye Maher
aye Samonte
aye Borek

Ms. Louth reviewed the purpose of the ordinance and noted that this ordinance is a planning tool for the 2014 and 2015 budgets.

Members of Council asked several questions regarding the ordinance which were addressed by Ms. Louth and Mr. Antonides.

Motion to adopt: Samonte
Second: Khanna
RCV: aye Geevers
 aye Khanna
 NAY Maher
 aye Samonte
 aye Borek

2013 MUNICIPAL BUDGET - PUBLIC HEARING

President Borek opened the public hearing for the 2013 Municipal Budget.

Ms. Louth advised that this is the second year that the municipal budget has declined. She reviewed department percentages to total budget; major increases and decreases in appropriations; reviewed line item budget increases and decreases; reviewed historic revenue trends; and reviewed the amount of fund balance used to support the 2013 budget.

Ms. Louth advised that the total municipal tax levy for 2013 is \$22,689,914; total assessed valuation is \$5,974,136,015, an increase of \$19 million dollars; and the average residential assessment is \$522,864. She noted that the municipal open space tax was reduced from three cents to two cents, saving the average residential household \$52 per year.

Ms. Louth advised that the tax for municipal operations went from 37.4 cents in 2012 to 38.0 cents in 2013. She highlighted the 2013 capital budget which includes: \$750,000 for Annual Road Improvement Program; \$400,000 for replacement of ambulances; and \$225,000 for Emmons Drive Resurfacing Project (Awaiting NJDOT Municipal Aid Grant Funding for the project). Ms. Louth noted that this is the third year that the capital budget has been under \$4,000,000.

PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, complimented Administration on their hard work and improvements to the budget. He advised that he attended all three budget work sessions, and although the fire hydrant line item was reduced by \$100,000, in his opinion it could be reduced further. Mr. Church made additional

suggestions where he felt the budget could still be adjusted to help relieve the burden the taxpayers.

Mr. Gregory Strawn, 21 Sherbrooke Drive, noted that over the past several years residents have received little or no increase. He advised, however, that in his opinion the public safety budget is too high.

Mr. James Moeller, 201 Varsity Avenue, made several suggestions where the budget could possibly be reviewed, but overall was happy with the consistency over the years with the tax rate. He thanked everyone for doing a good job.

Motion to close public hearing: Khanna

Second: Geevers

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

Mr. Maher made the following requests for adjustments to the 2013 Municipal Budget:

- Motion to reduce the Clerk's operating budget by an additional \$1,000: Maher
No second
- Motion to reduce the Election operating budget by an additional \$2,000: Maher
No second
- Motion to reduce the Administrations operating budget by an additional \$8,500: Maher
Second: Geevers
RCV: aye Geevers
NAY Khanna
aye Maher
aye Samonte
NAY Borek

- Motion to reduce the Board of Health operation budget reduce by an additional \$3,000: Maher
No second
- Motion to reduce the Engineering operating budget reduce by an additional \$2,500: Maher
Second: Geevers
RCV: aye Geevers
NAY Khanna
aye Maher
NAY Samonte
NAY Borek
- Motion to reduce the Public Works operating budget reduce by an additional \$4,777: Maher
No second
- Motion to reduce the Sewer System operating budget reduce by an additional \$10,000: Maher
No second
- Motion to reduce the Fire Hydrant Services operating budget reduce by an additional \$25,000: Maher
Second: Geevers
RCV: aye Geevers
NAY Khanna
aye Maher
NAY Samonte
NAY Borek
- Motion to reduce the Municipal Court operating budget reduce by \$1,700: Maher
No second

Mr. Maher made the following suggestions to the budget appropriations:

- Motion to Increase Uniform Construction Code (UCC) fees by \$200,000 and take an additional \$200,000 from the fund balance to help reduce the tax rate: Maher
No second

- Motion to Increase Uniform Construction Code (UCC) fees by \$150,000 and take an additional \$100,000 from the fund balance: Maher
No second

Ms. Geevers made a motion that \$100,000 be used from the fund balance, increase the UCC Fees by \$200,000, and increase the Receipt from Delinquent Taxes by \$50,000.

Second: Maher

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

2013-R100 Amending the 2013 Municipal Budget of 2013

Mr. Antonides read in full the amendment to the municipal budget in the amount of \$8,500.00.

Motion to approve: Khanna

Second: Samonte

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

Motion to adopt the 2013 Municipal Budget as amended: Khanna

Second: Samonte

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

COUNCIL REPORTS

Mr. Maher advised that the Zoning Board of Adjustment heard the rezoning request for the Sunoco on Route One at Harrison Street, which will be continued.

Mr. Khanna advised that the Planning Board approved the new signage request for Walmart.

Ms. Geevers advised that the Environmental Commission has rescheduled their meeting to tomorrow evening.

Ms. Samonte noted that the Parking Authority continues to move forward on the parking lot project.

ADMINISTRATION UPDATES

Ms. Schmid reviewed the changes in the capital budget to include \$25,200 for litigation expenses. She advised that improvements to the Rue Farm have been moved out of this year's capital budget and that improvements to Conover Park for restrooms have been moved up to this year in the budget.

Mr. Maher suggested that Administration contact the County to see if the cost for the restrooms could be shared between the two entities.

President Borek announced the Memorial Day Parade and Ceremony is scheduled for May 27th at 11:00 a.m.

Ms. Huber announced that the candidate packages for Mayor and Council will be available in the Clerk's Office starting May 1st.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, noted his disappointment in the actions taken by Council this evening.

Ms. Debbie Hepler, 10 Dean Court, voiced her disappointment in the actions taken by Council this evening. She noted that the funding requested to restore the Grover House is \$56,000 not \$400,000 as previously stated. Ms. Hepler spoke about several issues to include the upcoming election, pay-to-play regulations, and the Howard Hughes Corporation.

Mr. Paul Eland, 15 Coneflower Lane, noted his support of the Council's action for the 2013 Budget and maintaining the current level of surplus.

Ms. Marilyn Stoddard, 404 South Post Road, inquired about the correct way to communicate with the Township regarding matters of concern by residents.

Mrs. Janet Lerner, 67 Rainflower Lane, voiced her support for Council and reminded everyone that you cannot run government like a business.

ADJOURNMENT

Motion to adjourn: Khanna
Second: Samonte
VV: All approved

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

Sharon L. Young
Township Clerk
West Windsor Township