

APPROVED AS AMENDED: September 30, 2013

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
August 19, 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: Geever, Khanna, Maher; Business Administrator: Schmid; Township Attorney: Herbert; Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. John T. Jones, 252 Cranbury Road, spoke about sidewalk improvements and pedestrian safety. He commented on an accident that recently happened in front of his house. Mr. Jones asked the Township to install a guard rail and speed cameras in front of his property.

Mr. Jim Solloway, 5 Monroe Drive, inquired about the legality of the restriction for public comment during the 100 days prior to Municipal Elections.

Mr. John Church, 11 Princeton Place, spoke about the replacement of sidewalks throughout the Township. He offered suggestions on how to fairly make the repairs for the benefit of all the residents.

Ms. Silvia Ascarelli, 27 Melville Road, provided Council with an update from the August 10, 2013 meeting between Administration and the Cranbury Road residents.

Ms. Debbie Hepler, 10 Dean Court, advised that she checked with the ACLU regarding the Township Code prohibiting public comment prior to the Municipal Election. She also spoke about contractors working in the Township without the proper credentials and the need for speed control signs near the reconstruction of the Old Trenton Road Bridge.

Mr. Rick Visovsky, 7 Oakwood Way, voiced his concerns with the political statement read by the Township Clerk at the beginning of each meeting.

Ms. Janet Lerner, 67 Rainflower Lane, spoke about using diplomacy and common courtesy when making public comments.

Ms. Young explained "Chapter 60" of the Township Code and how it was written when Comcast provided funding for the creation of the Cable TV Channel and Station. She clarified that the Cable TV Programming Policies and Procedures were written for the Governmental Access Channel.

Mr. Herbert elaborated further on the policy and advised that it maintains diplomacy during public comment.

Mr. Maher noted that it reigns in residents' rights on free speech and the statute should be reviewed.

Ms. Geever asked for a legal opinion regarding Chapter 60 regarding the Cable TV programming policies.

#### MAYOR/ADMINISTRATOR COMMENTS

Ms. Schmid advised that New Village Road resurfacing began today and it is estimated that the project will be completed prior to school starting in September.

#### COUNCIL MEMBER COMMENTS

Mr. Maher explained that public comment allows Council to get their best information and to follow-up if needed. He inquired about when Council would be receiving Ms. Louth's budget update and about the repairs on Alexander Road. Mr. Maher asked about the status of when the "Municipal Tour" to see all the municipal-owned buildings was going to be held.

Ms. Schmid noted that the budget report would be distributed to Council after tonight's meeting. She advised that Administration was seeking grant funds for the repair of Alexander Road and would consult Engineering for an interim solution.

President Borek suggested that members of Council contact Administration to make arrangements for a "Municipal Tour".

Mr. Khanna advised that it is the Township's responsibility to monitor the cable TV process and procedures. He also addressed potential new business coming to the Township.

Ms. Geever asked Administration and the Police Division to follow up with Mr. Jones who spoke during public comment. She also asked for a timeframe for the RFP process for the Cranbury Road sidewalk and bike lane construction project. Ms. Geever spoke about the safety issues and concerns with the Trolley Line Trail.

Ms. Samonte referred to the Telecommunications Act of 2005 and the agency's intent of the law as it relates to the FCC rulings.

#### CHAIR/CLERK COMMENTS

President Borek asked to have the RFPs for the Cranbury Road sidewalk and bike lane construction project sooner rather than later for budgetary reasons. He confirmed that landscapers can only be licensed through the State and not by the Township.

Mr. Maher suggested that a realistic law and a fine pertaining to landscaping debris should be adopted to have the responsibility for the debris placed back on the homeowner.

#### CONSENT AGENDA

#### RESOLUTIONS

2013-R173 Refund of Overpaid Property Taxes

MINUTES

July 8, 2013 - Business Session  
July 22, 2013 - Closed Session

BILLS & CLAIMS

Motion to approve the consent agenda: Khanna

Second: Samonte

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2013-R174 Providing for the Insertion of the 2013 Drive Sober or  
Get Pulled Over Statewide Labor Day Crackdown Grant  
into the 2013 Municipal Budget - \$4,400.00

2013-R175 Authorizing the Reimbursement of Refuse, Recycling and  
Snow Removal Costs for Calendar Year 2012 to the  
Following Homeowners' Associations: Colonnade Pointe,  
the Village Grande at Bear Creek, Princeton Greens,  
Windsor Haven and the Elements at West Windsor -  
\$34,332.11

2013-R176 Authorizing the Reimbursement of Solid Waste  
Collection Costs for the Calendar Year 2012 to Windsor  
Woods Luxury Apartments, the Mews at Princeton  
Junction, and Avalon Watch Communities - \$247,962.45

2013-R178 Authorizing the Mayor and Clerk to Execute a  
Professional Services Agreement with Roberts  
Engineering Group for Professional Engineering and  
Surveying Design Services for the Annual Road  
Improvement Program - \$42,000.00

2013-R179 Authorizing the Mayor and Clerk to Execute a  
Professional Services Agreement with BANC3, Inc. for  
Professional Engineering and Surveying Design Services  
for the Emmons Road Resurfacing Program - \$9,256.00

2013-R180 Authorizing the Execution of Change Order No. 1 for  
Gres Paving Company for a Decrease in the Total  
Contract Cost for Final Quantities and Project  
Closeout for the Roszel Road Resurfacing Project -  
(-\$9,319.33)

2013-R181 Authorizing the Execution of Change Order No. 1 for  
M.N.C. General Contracting, Inc. for an Increase in  
the Total Contract Cost for Final Quantities and  
Project Closeout for the 2012 Sidewalk Repair Program  
- \$13,442.65

2013-R182 Authorizing the Mayor and Clerk to Execute a Land  
Development Performance Guarantee Agreement with  
Princeton Junction Commons, LLC for Phase One On-Site  
Improvements

2013-R183 Authorizing the Mayor and Clerk to Execute a Land  
Development Performance Guarantee Agreement with  
Princeton Junction Commons, LLC for Clarksville Road  
Improvements

Motion to approve: Geevers

Second: Khanna

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-R177 Authorizing the Mayor and Clerk to Execute a  
Professional Services Agreement with Roberts  
Engineering Group for Professional Engineering and  
Surveying Design Services for the Miscellaneous  
Pedestrian Sidewalk Improvements Program - \$29,000.00

Mr. Maher asked to hold an agenda session to discuss sidewalk prioritization for repair within the Township. He noted that discussion needs to be held on all Engineering projects to determine the need for the proposals and review a timeline of completion for prioritization.

Mr. Borek recommended to Administration that an update from the Engineering Division on Capital projects be scheduled.

Motion to approve: Maher

Second: Geevers

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-R184 Authorizing the Mayor and Clerk to Execute a One-Year Contract Extension to Aquatic Service Inc., for Closing, Opening, Painting and Seasonal Maintenance of the West Windsor Water Works Aquatic Complex for the Fall 2013 through Labor Day 2014 - \$40,400.00

Council agreed to table this item until several questions regarding the contract can be addressed.

INTRODUCTION OF ORDINANCES

2013-12 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200-149, "BUILDING PROHIBITION ALONG WATERCOURSES AND FLOODPLAINS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR

Motion to introduce: Khanna

Second: Geevers

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

The Public Hearing will be determined upon the Planning Board review schedule but no more than 45 days from introduction.

2013-13     AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR  
AN INCLUSIONARY DEVELOPMENT KNOWN AS AVALON PRINCETON  
JUNCTION

Mr. Maher asked that Administration follow up with the owner of the property for their input.

Both Ms. Schmid and Mr. Herbert agreed that they would follow up on this issue prior to the public hearing.

Motion to introduce: Samonte

Second: Khanna

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

The Public Hearing will be held September 30, 2013.

COUNCIL REPORTS

Mr. Maher asked if Administration had an opportunity to evaluate the cost for the taxes paid for the library. He noted that this was his second request.

Council Members gave their consensus to review this issue.

Mr. Maher also asked Council to review the hourly rates for the contract prior to being awarded.

Ms. Geevers advised that the Environmental Commission was continuing to review the Sustainable New Jersey application.

Ms. Samonte noted that the Parking Authority will not be utilizing the Post Office space for relocating their new location.

ADMINISTRATION UPDATES

Mr. Herbert spoke about the right to freedom of speech and the restriction which can be imposed on it.

Mr. Herbert talked about the Fairness Doctrine being withdrawn by the FCC and several case laws related to freedom of speech. He noted that he would provide an opinion on the matter for Administration and Council.

Mr. Maher asked if the Mayor should be held responsible and restrict him on his political speeches during Council Meetings.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, spoke about political speeches during Election time. He advised that the Mayor should also be restricted from making political speeches on the dais.

Mr. Alvin Lerner, 67 Rainflower Lane, raised questions on who should be allowed to make political speech during Election time.

Ms. Debbie Hepler, 10 Dean Court, addressed the Cranbury Road safety issue and the requirement for landscapers to be licensed.

Mr. Rick Visovsky, 7 Oakwood Way, spoke about defending this Country and the right to freedom of speech.

ADJOURNMENT

Motion to adjourn: Khanna

Second: Geever

VV: All approved

The meeting was adjourned at 8:42 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township