

APPROVED AS AMENDED: April 2, 2013

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
February 19, 2013

CALL TO ORDER: President Borek called the meeting to order at 6:30 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. Closed Session was noticed on February 11, 2013.

ATTENDEES: President: Borek; Vice President: Samonte; Council Members: Geevers, Khanna, Maher; Mayor: Hsueh; Business Administrator: Schmid; Township Attorney: Herbert Jr.; Township Engineer: Guzik (left at 8:35); Township Clerk: Young

CLOSED SESSION

Motion to go into closed session at 6:35 p.m.: Geevers

Second: Samonte

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

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 contract negotiations and potential litigation.

MEETING RECONVENED

Meeting reconvened at 7:08 p.m.

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. Bob Akens, 32 Windsor Drive, spoke about the Capital Budget including road repairs, and the Howard Hughes property.

Mr. John Church, 11 Princeton Place, urged for a postponement of the introduction of the Municipal Budget. He addressed other resolutions of concern.

Ms. Debbie Hepler, 10 Dean Court, spoke about "criminal activity" that occurred by a former employee and the potential for a lawsuit concerning this issue.

Mr. Jim Solloway, 5 Monroe Drive, asked that Council not introduce the budget and continue to improve the numbers in the budget. He also spoke about the pocket park.

Ms. Farzana Jaffery, 247 Robbinsville-Edinburg Road, advised that it is a mistake to honor one ethnic group over another for the theme of the pocket park.

Mr. Martin Whitfield, 4103 Kestrel Court, commented on West Windsor being a diverse community with various ethnics in the community. He noted that he was against one ethnicity being chosen over another for the pocket park theme.

Mr. Paul Pitluk, 69 Rainflower Lane, expressed his views about the proposed park, and noted his concerns with Mr. Maher's comments regarding the park.

Mr. Greg Harris, 29 Benford Drive, noted his disappointment with how Mr. Maher was treated regarding his comments about the pocket park theme.

Mr. Andy Bromberg, 24 Providence Drive, outlined the assets of the community.

Mr. Pete Weale, 144 Fisher Place, urged the Council not to introduce the budget this evening. He outlined other areas of concern.

MAYOR/ADMINISTRATOR COMMENTS

Ms. Schmid outlined a few of the items that will be discussed this evening and asked Council for their approval of these items.

Mayor Hsueh advised that the \$300,000 listed in the Capital Budget for the construction of the pocket park was merely a place holder and was listed for administrative reasons.

Ms. Schmid noted that grants and donations could be given to the Township for use in developing the park. She noted that land law requires that the Capital Budget hold the funds in an account until contracts can be awarded.

COUNCIL MEMBER COMMENTS

Mr. Maher suggested that Administration and Council get to know more about the Howard Hughes Corporation. He also suggested that Council educate themselves with the possibilities of what could be built on the property. Mr. Maher noted that residents are divided about the Princeton Junction pocket park theme and bad public policy.

Mr. Khanna spoke about the need to review the Township's current firearm ordinance. He advised that the Grover Farm Restoration Committee needs to make the presentation or Council should decide to take some action.

Ms. Geevers commented on the development of the Howard Hughes property and advised that all the meetings should be held in a public forum. She also agreed that a broader theme for the pocket park should be considered.

Mayor Hsueh noted that public meetings on the pocket park will continue looking for input and donations for the development of the property.

Ms. Samonte urged residents to attend the DOT meeting to discuss the alternate plan for jug-handles on Route One.

President Borek reminded the residents that there is a forum Wednesday, February 27 to discuss the Howard Hughes property.

Mr. Maher requested that the Tax Assessor and the Planning and Zoning officer attend a meeting to discuss the options for the Howard Hughes property.

CHAIR/CLERK COMMENTS

President Borek asked Administration to make arrangements for the meeting with the Assessor and the Zoning Officer.

CONSENT AGENDA

RESOLUTIONS

2013-R054 Authorizing the Appointment of Latonya Andrews as
Alternate Safety Delegate to the Mid Jersey Municipal
Joint Insurance Fund

2013-R055 Refund of Overpaid Property Taxes

2013-R056 Authorizing the Appointment of Patricia Verdino to the
Affordable Housing Committee to fill an Unexpired Term
through December 31, 2014

2013-R057 Refund of 2013 Solicitor's License Fee to Esther H.
Wilson

MINUTES

January 7, 2013 - Business Session

January 22, 2013 - Closed Session

BILLS & CLAIMS

Ms. Schmid asked that the invoice for Skwierawski be removed from the Bills and Claims for payment.

Motion to approve consent agenda as amended: Khanna

Second: Samonte

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2013-R058 Authorizing the Mayor to Execute the 2013 Municipal
Alliance Shared Services Agreement with the County of
Mercer

2013-R059 Authorizing One-Year Extension of the Contract with
Waste Management of New Jersey, Inc. for Solid Waste
Collection Services through January 31, 2014 -
\$473,576.64

2013-R061 Authorizing the Business Administrator to Execute a
Professional Services Agreement with Marcie Tyson,
Health Educator for Calendar Year 2013 - \$17,500

2013-R066 Authorizing the Mayor and Clerk to Execute a
Professional Services Agreement with ACT Engineers for
the Evaluation, Assessment, Well Monitoring and Report
Preparation for the Former West Windsor Township
Landfill/Compost Facility-Remedial Action Work Plan -
\$40,000.00

2013-R068 Authorizing the Mayor and Clerk to Execute a Release of Land Development Performance Guarantee Agreement for Princeton Medical Properties, Inc.

Motion to approve Resolutions 2013-R058, 2013-R059, 2013-R061, 2013-R066, and 2013-R068: Khanna

Second: Samonte

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-R060 Authorizing the Mayor and Clerk to Execute a Memorandum of Understanding and Agreement with Windsor Haven Condominium Association for the use of Monies Contributed to the Township by Toll Brothers, Inc. with Windsor Haven as an Intended Beneficiary to Fund a Stormwater Management and Floor Mitigation Study of the Windsor Haven Greenbelt Area and the Little Bear Brook Watershed

Ms. Geevers recommended that the remaining funds go toward correcting the stormwater management issues.

Mr. Maher noted that there is approximately \$90,000 remaining in the fund to utilize for correcting any problems.

Motion to approve: Samonte

Second: Geevers

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-R062 Authorizing the Business Administrator to Execute Change Order No. 1 with Arawak Paving Company, which Represents a Decrease (1.70%), for Final Quantities and Project Closeout for the Project Known as Wallace Road Resurfacing - (-\$4,567.76)

Council noted their satisfaction with the decrease in the change order.

Motion to approve: Geevers

Second: Maher

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-R063 Authorizing the Business Administrator to Execute Change Order No. 1 with Arawak Paving Company, which Represents an Increase (14.1%), for Final Quantities and Project Closeout for the Project Known as Penn Lyle Road-Phase I - \$80,740.99

Mr. Maher asked who authorized the changes and asked for an explanation.

Mr. Guzik explained that the subcontractor raised concerns with the NJDOT standards and specifications, and made recommendations to bring the project, including the guardrail, into NJDOT compliance.

Mr. Maher addressed questions about the cost and asked what the big ticket items were that caused the increase in the change order.

Mr. Guzik advised that the asphalt, fuel, guardrail, and the additional stone work and excavation were the causes for the increase.

Motion to approve: Khanna

Second: Geevers

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-R064 Authorizing the Business Administrator to Execute
Change Order No. 1 with Meco, Inc., which Represents
an Increase (.065%), for Final Quantities and Project
Closeout for the Project Known as Penn Lyle Road
Reconstruction-Phase II - \$322.27

Motion to approve: Samonte

Second: Maher

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-R065 Authorizing the Mayor and Clerk to Execute a Contract
with Marksmen Landscaping, LLC for 2013 Public Lands
Maintenance Detention Basin and Open Space -
\$68,500.00

Mr. Maher asked why Public Works could not handle the additional work. He asked for an itemization of what costs are incorporated into this contract.

Mr. Guzik advised that contract specifics were from utilizing a program previously established by the Township.

Mayor Hsueh explained that the developer contributes funds into a trust fund that allows the Township to hire a contractor to maintain the detention basin and various open space parcels.

Mr. Maher inquired about what information does the Council have regarding this trust fund and how much is currently in the fund.

Ms. Louth explained that the developer can either contribute to the trust fund or maintain the property themselves. She advised that there is a twenty-year "perpetual" life of the fund and it currently has less than a million dollars in the fund.

Mr. Maher asked what will happen when the funds are depleted for maintenance.

Ms. Louth said that Administration is currently working on a plan.

Motion to approve: Khanna

Second: Geevers

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-R067 Authorizing the Mayor and Clerk to Execute a One-Year Extension of the Contract with Greenleaf Landscape Systems Services, Inc. for the 2013 Public Lands Landscape-Cul de Sac and Street Trees Maintenance and Replacement - \$89,700.00

Motion to approve: Samonte

Second: Geevers

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

Mr. Khanna inquired about a status update from the Grover Farm Restoration Committee before budget discussions begin.

Ms. Debbie Hepler, Grover Farm Restoration Committee Member, advised that discussions were held regarding additional options for restoring the house. She noted that the Committee is "okay" with waiting until the budget adoption to give their presentation to Council.

INTRODUCTION OF ORDINANCES

2013 Municipal Budget:

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

Ms. Schmid opened up discussions with providing an explanation for requiring the introduction and adoption of this ordinance.

Mr. Maher addressed questions pertaining to the need for the adoption of 2013-01.

Ms. Louth explained that this ordinance should not be confused with the levy cap. She advised that this ordinance provides the ability to bank funds for the 2014 and 2015 budgets. Ms. Louth noted that this ordinance is a budget planning tool and reminded Council that the cap is on the expense portion of the budget.

Discussion ensued between Council and Administration over the requirement for this ordinance.

Mr. Maher reiterated that Administration should operate under the mandate of the 2% cap on expenses.

President Borek reminded Council that another action is required to authorize the expenditure of funds that are banked.

Motion to introduce: Samonte

Second: Khanna

RCV: aye Geevers

aye Khanna

NAY Maher

aye Samonte

aye Borek

The Public Hearing will be held on April 15, 2013.

2013 BUDGET INTRODUCTION

Ms. Schmid advised that the budget presented to Council is within the Governor's 2% cap and represents a .02% decrease from the 2012 Municipal Budget. She outlined details regarding the budget's revenues and expenses. Ms. Schmid noted that the tax base had not been certified by the Tax Assessor.

Ms. Schmid reviewed the proposed meeting dates and noted that budget adoption is scheduled for the April 15th Business Meeting.

Ms. Louth outlined the budget procedures and the procedure for making amendments to line items or an increase/decrease to the total budget.

Ms. Geevers urged Council to consider discussion of the budget prior to the introduction. She advised that budget goals have not been addressed.

Ms. Samonte advised that the Municipal Budget becomes Council's once it has been introduced.

President Borek commented that West Windsor Township should follow proper budget procedures.

Motion to introduce: Samonte

Second: Khanna

RCV: NAY Geever

aye Khanna

NAY Maher

aye Samonte

aye Borek

The Public Hearing will be held on April 15, 2013.

2013-R069 Resolution Authorizing Local Examination of the 2013 Budget

Mr. Maher advised that the resolution reads that Council has found that the budget met the requirements listed in the resolution; he asked how Council would know if these things have been done.

Ms. Louth explained that she certifies that the calculations are correct and have been reviewed by the Township Auditor. She noted that the Township had never been challenged previously.

Mr. Maher recommended adding that the Township Auditor reviewed the calculations too.

Council and Administration agreed to the amendment.

Motion to approve as amended: Geever

Second: Samonte

RCV: aye Geever

aye Khanna

aye Maher

aye Samonte

aye Borek

2013-02 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$179,556.40

Motion to introduce: Khanna

Second: Maher

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

The Public Hearing will be held on March 4, 2013.

2013-03 BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 1998-31 OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED JANUARY 11, 1999 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT TO INCLUDE: Improvements to the West Windsor Fire Company consisting of installation of a fire sprinkler system as well as installations of fire protection systems, such as fire sprinklers and/or fire detection systems as needed in other municipal facilities

Mr. Maher verified that the cost of the system is \$33,000.

Motion to introduce: Samonte

Second: Geevers

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

The Public Hearing will be held on March 4, 2013.

2013-04 BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2007-10 OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED MAY 14, 2007 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT TO INCLUDE: Improvements to the West Windsor Fire Company consisting of installation of a fire sprinkler system as well as installations of fire protection systems, such as fire sprinklers and/or fire detection systems as needed in other municipal facilities

Mr. Maher asked how this ordinance differs from ordinance 2013-03 which was just introduced.

Ms. Louth advised that Ordinance 2013-04 refers to a different bond ordinance for the amendment of the project description.

Motion to introduce: Samonte

Second: Maher

RCV: aye GeEVERS

aye KHANNA

aye MAHER

aye SAMONTE

aye BOREK

The Public Hearing will be held on March 4, 2013.

2013-05 BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2008-11 OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED JUNE 23, 2008 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT TO INCLUDE: Replacement staff vehicle for the Division of Fire and Emergency Services

Motion to introduce: Samonte

Second: GeEVERS

RCV: aye GeEVERS

aye KHANNA

aye MAHER

aye SAMONTE

aye BOREK

The Public Hearing will be held on March 4, 2013.

2013-06 AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, CHAPTER 82-FEES; SECTION 82-6 "FIRE PREVENTION, FIRE SAFETY AND EMERGENCY SERVICES"; SECTION 82-12 "HEALTH"; SECTION 82-13 "VITAL STATISTICS RECORDS DUPLICATION FEES"; SECTION 82-15 "MISCELLANEOUS LICENSES, FEES AND PERMITS"; AND SECTION 82-18 "POLICE"

Ms. Schmid reviewed other Township's fees for comparisons to the increases Administration was recommending.

Motion to introduce: Maher

Second: Khanna

RCV: aye Geevers

aye Khanna

aye Maher

aye Samonte

aye Borek

The Public Hearing will be held on March 4, 2013.

COUNCIL REPORTS

Ms. Geevers attended the February 13th Environmental Commission meeting and noted that the Commission has begun its work on the renewal for our ranking on Sustainable Jersey. The hard deadline for submission is in September. The Township currently has achieved the Silver level which is the highest level that can be awarded.

ADDITIONAL PUBLIC COMMENT

Mr. Paul Pitluk, 69 Rainflower Lane, spoke about Mr. Maher's comments and also the elimination of the "volcanoing" of mulch around the base of trees.

Mr. John Church, 11 Princeton Place, inquired about the limitations the County should be working with to keep taxes within the 2% cap.

Ms. Ina Marx, 101 Claridge Court, spoke about the pocket park and how it may take years to develop.

Ms. Debbie Hepler, 10 Dean Court, clarified the details of the OPRA request that pertained to the Grover House.

Mr. Pete Weale, 144 Fisher Place, addressed several issues including Township trees, permits for PJ Pancake House, and the Grover House.

ADJOURNMENT

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

The meeting was adjourned at 10:09 p.m.

Sharon L. Young
Township Clerk
West Windsor Township