

APPROVED: September 8, 2014

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
August 25, 2014

CALL TO ORDER: President Maher called the meeting to order at 6:21 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 3, 2014. Closed Session was noticed August 22, 2014.

ATTENDEES: President: Maher; Vice President: Geevers; Council: Borek, Mendonez, Samonte; Business Administrator: Schmid; Township Attorney: Herbert; Township Clerk: Young

CLOSED SESSION

Motion to go into closed session: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

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 various litigation matters.

Meeting reconvened at: 6:58 p.m.

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

President Maher deferred resolution 2014-R182 which supports the reinstatement of New Jersey's participation in the Regional Greenhouse Gas Initiative (RGGI) until further information can be provided.

Ms. Geevers suggested that this topic be scheduled for discussion at a work session.

Council agreed to defer the resolution.

PUBLIC COMMENT

Mr. Rajeshwar Singh Yadav, 376 North Post Road, resubmitted documents that he had sent to Council a week earlier, and he asked Council to act accordingly once the information has been reviewed.

Mr. Mike Hornsby, 978 Alexander Road, testified in favor of resolution 2014-R182.

Mr. Paul Raffiani, 22 Canal Road, spoke about the size of the yard debris piles being too small for homeowners with larger properties. He outlined his concerns.

Mr. Borek advised that the Township must now pay for the removal of yard debris. He noted that this has caused the Council to take a closer examination of the ordinance.

President Maher explained that Council will take into consideration all the emails and comments from the residents regarding the yard debris ordinance.

Mr. Jeffrey Shanaberger, 202 Carnegie Center, spoke about the misrepresentation of a conversation that he had with Mr. Herbert regarding the purchase of the Thompson property. He outlined the details.

Mr. Marshall Lerner, 3 Sapphire Drive, noted that particular discussions regarding the Thompson property never took place. He explained that the Township Attorney misrepresented the facts regarding these supposed conversations.

Mr. Herbert made a statement in defense of the comments made by Mr. Shanaberger and Mr. Lerner.

Mr. Tom Casey, 15 Colonial Avenue, spoke about the debris the recent storms have left and the effect on yard debris pickup by the Township. He offered suggestions for consideration.

Mr. Borek advised of NJDEP State regulations that need to be adhered to.

Ms. Schmid reminded residents that there is no limit to the length of a pile when placing leaves out for pickup.

Mr. Andy Bromberg, 24 Providence Drive, spoke about the appointment of the Township Attorney, and how it is costing the taxpayers more money because Mr. Herbert's contract that had a 9% savings had not been approved.

President Maher responded to Mr. Bromberg's comments.

Mr. John Church, 11 Princeton Place, commented that the public needs to do their homework prior to speaking at public comment. He advised that the Mayor made several mistakes in his Town Hall presentation which gave on August 16, 2014.

Ms. Alison Miller, 41 Windsor Drive, spoke about a recent brush debris incident regarding a homeowner on Colonial Drive. She also spoke about snow removal on the sidewalks.

Mr. Wesley Mostello, 168 Penn Lyle Drive, spoke about conflicting information regarding the yard waste debris pickup. He also addressed concerns and offered suggestions regarding the yard debris ordinance.

Ms. Chris Bator, 6 Wheatson Court, addressed concerns with the Regional Greenhouse Gas Initiative (RGGI) and the resolution that was listed on the agenda. She advised of the costs of RGGI to New Jersey residents.

Ms. Virginia Manzari, 28 Berkshire Drive, spoke about the process that occurred for the nomination of the Township Attorney, and suggested that another nomination should be brought forward for consideration.

Mr. Donald Watrous, 131 Cranbury Road, provided an update about the Cranbury Road studies, and discussed his preferred option.

MAYOR/ADMINISTRATOR COMMENTS

Ms. Schmid advised that there will not be a trash pickup on Labor Day. She also reminded residents of the Bike Fest at Community Park to be held on September 6, 2014.

COUNCIL MEMBER COMMENTS

Mr. Borek advised that the Township is not going to get the perfect yard debris ordinance, and amendments can be made to the ordinance as necessary. He spoke about the passing of Bill Number S1229 which deals with foreclosures, and suggested that the Township pass a similar Bill. Mr. Borek affirmed that Council decides if it is in the best interest of the town whether to litigate.

Ms. Samonte thanked the residents for their input regarding the yard waste ordinance.

Mr. Mendonez spoke about the Cranbury Road meeting and noted that it was well attended.

Ms. Geevers asked the community to continue to provide input on the yard debris ordinance. She also spoke about the Cranbury Road meeting.

Ms. Schmid advised that Ms. Ward will be posting on the Township website the comments made at the Cranbury Road meeting.

CHAIR/CLERK COMMENTS

President Maher explained that Council weighs the costs when discussing litigation. He noted that Council works diligently to settle outstanding cases.

PUBLIC HEARINGS

2014-16 AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY PERMITTING COMMERCIAL RECREATION FACILITIES IN CERTAIN RESEARCH OFFICE MANUFACTURING ZONES

President Maher opened the Public Hearing.

Ms. Alison Miller, 41 Windsor Drive, noted that this ordinance increases flexibility for local business owners.

Motion to close public hearing: Borek

Second: Mendonez

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

President Maher extended credit to the Zoning Board Members and also the owner of Princeton Pong.

Ms. Geevers noted that this ordinance will make West Windsor more business friendly.

Motion to adopt: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

2014-17 AUTHORIZING THE ACQUISITION OF A SIDEWALK EASEMENT
FROM MKNDC, LLC LOCATED AT BLOCK 10 LOT 33 - 880
Alexander Road

President Maher opened the Public Hearing.

Ms. Alison Miller, 41 Windsor Drive, urged Council to vote in favor of the ordinance.

Mr. Herbert noted that Mark's Trackside Auto Center consented to the construction of the easement.

Motion to close public hearing: Borek

Second: Samonte

RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

Motion to adopt: Borek

Second: Geevers

RCV: aye Borek
aye Geevers
aye Mendonez
aye Samonte
aye Maher

CONSENT AGENDA

RESOLUTIONS

2014-R175 Approving the Appointment of Daniel Balevski as
Alternate II Member of the Board of Recreation
Commissioners with a Term expiring December 31, 2017

MINUTES

July 14, 2014 - Closed Session

July 14, 2014 - Business Session as amended

July 14, 2014 - Work Session

BILLS & CLAIMS

Motion to approve the consent agenda as amended: Mendonez

Second: Borek

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

ITEMS REMOVED FROM CONSENT AGENDA

Check number 54166 for AT&T was pulled from payment.

President Maher asked why the Township is still paying for phone calls by the minute. He asked Administration to look into the plan with AT&T and consider addressing a policy regarding phone utilization by employees for non-essential business.

Council Members agreed to defer the invoice from payment until the concerns can be addressed.

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2014-R176 Certification of Compliance with the Promulgation of the Local Finance Board of the State of New Jersey for the 2013 Annual Report of Audit

2014-R177 Supporting the Drive Sober or Get Pulled Over 2014 Statewide Crackdown - August 15th through September 1, 2014

2014-R178 Providing for the Insertion of the 2014 Drive Sober or Get Pulled Over Grant in the 2014 Municipal Budget - \$5,000.00

2014-R180 Authorizing the Mayor and Clerk to Execute a Contract with Britton Industries, Inc. for the Project Known as Disposition of Vegetative Waste for Recycling - \$98,400.00

2014-R181 Authorizing the Mayor and Clerk to Execute a Contract with Hertrich Fleet Services for the Purchase of Three (3) 2015 Ford Police Interceptor Utility AWD Vehicles - \$62,639.00

2014-R183 Granting Reservation of Sewer Capacity for the Project known as Carnegie Center West - Building 804 (PB14-04; Block 7.13, Lot 12.04; U.S. Highway Route 1, Carnegie Blvd. West and Canal Pointe Blvd.)

2014-R184 Granting the Request from Schlumberger Technology Corp. for a Full Release of Performance Guarantees for Private Site Improvements for Schlumberger-Phase 2 (PB06-15)

Motion to approve Resolutions 2014-R176 through 2014-R178, 2014-R180, 2014-R181, 2014-R183 and 2014-R184: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

2014-R179 Approving the Settlement Agreement Withdrawing the Township Appeal in the Matter of West Windsor Township v Police and Firemen's Retirement System & Kevin Anderson

President Maher made comments about the settlement of this case.

Motion to approve: Borek

Second: Mendonez

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

NAY Maher

2014-R185 Authorizing the Mayor and Clerk to Execute an
Amendment to the Professional Services Agreement with
Michael Melchionne Consultant/Expert in the Roed
Lawsuit

Ms. Geevers explained that Council is extending the contract through the end of October. She noted that the contracted amount will remain at \$10,000.00 and therefore amendments need to be made to both the resolution and the professional services agreement.

President Maher agreed to keep the budget limit at \$10,000.00.

Motion to approve as amended: Geevers

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

ADDITIONAL PUBLIC COMMENT

Mr. Paul Raffiani, 22 Canal Road, spoke about a special assessment for Township services. He addressed the costs of having to remove a tree from his property.

Mr. John Church, 11 Princeton Place, addressed questions regarding the audit, and tracking expenses. He inquired about the status of the drilling that was to take place under the Amtrak line.

Ms. Schmid explained that a second attempt at drilling under the Amtrak line was not successful. She noted that Amtrak was being provided with information regarding microtunneling which could be another option.

Mr. David Bivins, 7 Berkshire Drive, has been a resident of West Windsor for thirty-nine years and has always paid for his contractor to take away any yard debris. He noted concerns with the yard debris ordinance.

Ms. Schmid reminded residents that they are responsible for having the landscaper remove large trees from their property and to have the debris taken away. She noted that landscapers take their direction from the homeowners.

Mr. Herbert advised that the State regulates landscapers and their registrations.

Mr. Marshall Lerner, 7 Sapphire Drive, again spoke about the series of events regarding the purchase of the Thompson property.

Mr. Wesley Mostello, 168 Penn Lyle Road, discussed cubic volume versus weight as it pertains to the costs associated with taking away yard debris.

Ms. Virginia Manzari, 28 Berkshire Drive, suggested that the yard debris pile be made larger. She thanked Council for their efforts in making difficult decisions.

COUNCIL REPORTS/DISCUSSION TOPICS/NEW BUSINESS

Mr. Borek urged residents to use caution on the roads because school is about to open.

Ms. Samonte also spoke about school bus safety.

Mr. Mendonez encouraged volunteerism in the younger population of the Township. He also urged residents to vote in the November's General Election.

Ms. Geevers outlined the projects reviewed at the last Planning Board meeting.

President Maher advised that the Zoning Board is caught up with their project reviews.

ADMINISTRATION UPDATES

Ms. Schmid advised that she and Mr. Drummond have been monitoring the comments made by residents regarding the yard debris ordinance.

ADJOURNMENT

Motion to adjourn: Mendonez
Second: Geever
VV: All approved

The meeting was adjourned at 9:41 p.m.

Sharon L. Young
Township Clerk
West Windsor Township