

APPROVED AS AMENDED: February 18, 2014, & AMENDED: June 23, 2014

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
January 6, 2014

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 3, 2014.

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

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. Jim Solloway, 5 Monroe Drive, congratulated the members of Council and advised that he was looking forward to more meaningful discussion.

Ms. Debbie Hepler, 10 Dean Court, spoke about the new seating arrangements and about the restroom that was constructed at Van Ness Park. She also spoke about the non-partisan form of government.

Mr. Pete Weale, 144 Fisher Place, spoke about another township that addresses the public during public comment. He asked that Council develop a similar policy.

Mr. Andy Bromberg, 24 Providence Drive, congratulated Council and asked them to do their best for the Township.

MAYOR/ADMINISTRATOR COMMENTS

Ms. Schmid advised that the Engineering Division would be available for the review of the Cranbury Road RFP.

COUNCIL MEMBER COMMENTS

Mr. Borek explained that Council changed their Procedural Guidelines to allow for public comment questions to be addressed by Council prior to adjourning the meeting.

Mr. Mendonez addressed several comments and concerns made by the public.

Ms. Geevers asked Administration to address the pothole issues in the Township.

Ms. Schmid asked those who have road issues to contact the Township and their concerns will be addressed by Public Works.

Mr. Herbert noted that road condition issues can also be addressed through the Township website.

Ms. Geevers advised that she is not in favor of Council Members receiving salary increases. She also listed several issues that should be discussed at future work sessions.

CHAIR/CLERK COMMENTS

President Maher advised that the public's comments or inaccuracies will be addressed during each Business Session.

CONSENT AGENDA

RESOLUTIONS

2014-R013 Establishing the Rate of Interest Charged on Delinquent Interest and 6% Year End Penalty

MINUTES

November 25, 2013 - Business Session
December 9, 2013 - Work Session
December 9, 2013 - Closed Session

BILLS & CLAIMS

President Maher asked to have Resolution 2014-R012 pulled for further discussion.

Invoice# 40698 was pulled from payment until the Council receives answers to their question regarding the invoice for payment of boot and uniform clothes.

Ms. Geevers inquired about the A-1 Limousine invoices and asked for more details for invoices being paid for dry-cleaning.

Ms. Schmid advised that the Senior Center bus driver resigned and until another individual can be hired, the Township was using the services of A-1 Limousine.

President Maher inquired about asking Public Works employees to determine if there is any interest in filling the position.

Ms. Schmid noted that the driver's position is part time. She asked if Council wanted to continue the services until a replacement driver can be hired.

President Maher suggested that the services be continued for another month or two until a replacement driver can be hired.

Motion to approve consent agenda as amended: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

ITEMS REMOVED FROM CONSENT AGENDA

2014-R012 Approving the Appointment of Alison Miller as Member of the Affordable Housing Committee with a Term to Expire December 31, 2014

President Maher spoke about the new procedure for placing an appointment on the agenda which needs the advice and consent of Council. He suggested approving the appointment because Council and Administration know the experience level and expertise Ms. Miller will bring to the position.

Motion to approve: Geevers

Second: Mendonez

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

The order of the agenda was amended.

2014-R015 Authorizing the Mayor and Clerk to Execute the Collective Bargaining Agreement with West Windsor American Federation of State, County and Municipal Employees (AFSCME) Local 3242 for the Period from January 1, 2013 through December 31, 2015

Ms. Schmid outlined the details of the agreement and reviewed the language concerns Council had at the previous Business Session.

Motion to approve: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

2014-R014 Authorizing Temporary Municipal Budget Appropriations
for 2014

Ms. Geevers asked if the appropriation numbers that have been projected can be changed.

Ms. Schmid spoke about the Township's general liability. She advised that she and Ms. Louth reviewed the numbers. Ms. Schmid noted that it has been past practice that the appropriations were equal in value to 26.25% which is approved by State statute.

President Maher asked again if Council has the legal right to change the appropriation numbers in the temporary budget. He inquired about the funds appropriated for legal fees.

Mr. Herbert advised that he would need to review the issue to determine if Council has the legal right to amend the temporary budget.

Ms. Schmid passed out a spreadsheet outlining the legal costs for all the Township's legal representation. She reviewed the numbers with Council.

Motion to approve: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Mendonez

aye Samonte

aye Maher

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, spoke about salary increases, the document format for Mr. Herbert's appointment, and the votes required for the approval of an item on the agenda.

Ms. Alison Miller, 41 Windsor Drive, congratulated Council and thanked them for approving her appointment to the Affordable Housing Committee.

Mr. Pete Weale, 144 Fisher Place, addressed several concerns and spoke about outsourcing job positions within the Township.

COUNCIL REPORTS/DISCUSSION TOPICS/NEW BUSINESS

Township Attorney and Legal Services

Ms. Geevers supported the draft resolution requesting the Mayor and Administration to put out RFPs for Township Attorney and legal services. She advised that it is good practice to go out for Request for Proposals for the Township's professionals including the Township Attorney. Ms. Geevers asked to have the resolution on the agenda for the January 21st, 2014 Business Session for consideration.

Ms. Samonte noted that she supported the original agreement.

Mr. Borek reminded Council that Princeton has a different form of government than West Windsor and therefore have a different process for appointing legal services.

President Maher asked Mr. Herbert if it is legal to go out for RFPs because the Mayor had stated that it was not legal.

Mr. Herbert noted that he will not comment on this issue and suggested that Council convene a closed session.

President Maher suggested that Council seek separate legal services.

Ms. Samonte suggested that Council go into closed session to continue discussions.

Ms. Geevers advised that she does not know of a law that prohibited the executive branch from going out for RFPs for Township Attorney and legal services.

Mr. Mendonez explained that the request is not based on performance but on numbers, and it should be done quickly. He noted that the legal costs are 1% of the budget.

President Maher asked Council if they had any ideas or suggestions to add to the draft resolution. He spoke about Chapter 4 of the Township Code and the Mayor's inability to veto a resolution. Mr. Maher noted that the Mayor and Administration did not ask the advice and consent of Council for the appointment of the Township Attorney. He urged the Mayor and Administration to go out for RFPs for Township Attorney and legal services.

Ms. Samonte advised that this could be a challenge to the Faulkner Act, and suggested that case law be reviewed. She urged for legal consultation on the matter.

President Maher explained that no one has presented to him anything that says the Township cannot go out for RFPs. He suggested having separate legal consultation on the matter. President Maher urged Council to do what is right for the taxpayers.

Volunteer Appointments

President Maher advised that there are concerns amongst Council Members on appointments that require the advice and consent of Council. He suggested that for those appointments that need the advice and consent of Council, the documentation for the agenda packet should include the individual's volunteer form, volunteer forms of others who may be interested, and a memo from the Mayor on why this individual is best suited for the position.

Ms. Samonte urged the Council President and Vice President to have a discussion with the Mayor regarding his appointments.

President Maher noted the importance of filling the vacancies expeditiously. He commented that a memo from the Mayor should not be too much to require.

Mr. Borek spoke about the SPRAB appointment and the potential conflict of interest that was being suggested. He noted that there was another board member on SPRAB who also served as a realtor. Mr. Borek recommended that one particular volunteer should not be singled out.

Ms. Geevers suggested that a policy should be made that an individual can only be a volunteer to one board at a time. This will give others the opportunity to serve on a board or committee.

Mr. Hebert cautioned Council about speaking in regards to a position and not an individual.

President Maher explained that past procedure does not mean that is the proper way of handling the issue going forward. He spoke about the SPRAB appointment and noted that it was a political appointment. President Maher indicated that Council should have the right to review other individuals who also expressed interest in the committee.

Discussion ensued over a procedure for appointing volunteers to the boards which require the advice and consent of Council.

Ms. Geevers suggested that in November or December, Council should have a discussion over the vacancies to the various boards or committees.

Additional Discussion Topics for January 21st Work Session

Ms. Schmid suggested the following topics for discussion at the Work Session: RFP for Cranbury Road, fee schedule and draft usage policy for Schenck Farmstead, and the Grover property memorial.

President Maher asked for the distribution of materials and ten minutes discussion on the Schenck Farmstead. He advised that further discussion on the farmstead will be held at the February 3rd Work Session. President Maher asked for the schematic and cost estimate of the Grover memorial for further discussion also at the February 3rd Work Session.

Ms. Schmid suggested a closed session for the discussion of CWA Union Contract negotiations and the Historical Society documentation.

Mr. Borek suggested that the sign ordinance also be reviewed in the near future.

President Maher suggested discussing commercial signs too.

Ms. Geevers inquired about the budget process. She requested that budget deliberations take place before the introduction of the budget. Ms. Geevers explained that she called the Local Finance Board and they advised her that different municipalities handle the budget process in different ways.

Discussion ensued about the procedures and the statutes that pertain to the proceedings for the municipal budget process.

President Maher asked for information from Mr. Herbert outlining the rules regarding the budget procedures.

COUNCIL REPORTS

Mr. Mendonez advised that he will ask the Environmental Commission to discuss the impact of spreading salt during winter snow storms. He also noted that he had met twice with Administration to discuss the Post Office and Municipal Complex renovations.

President Maher asked Mr. Mendonez to continue attending the meetings and to report back to Council. He noted that the Zoning Board will begin meeting twice a month. President Maher inquired about the color of the guardrails in the new train station parking lot and asked if other guardrails in town could be painted the same color. He also inquired about the status of the guardrail in front of Mr. Jones's residence.

Ms. Schmid advised that the County Engineer had reported that a guardrail in that location was not warranted. She explained that the County Engineer made other recommendations for traffic calming in that location.

President Maher asked that a copy of the County Engineer's recommendations be distributed to Council

Ms. Schmid suggested that this topic be incorporated into the discussion regarding the Cranbury Road RFP at the January 21st, 2014 Work Session.

Ms. Schmid also explained that the Van Ness Park restrooms was a project included in the 2013 Capital Budget. She explained that the cost for the restrooms included more than the structure itself. Ms. Schmid noted that heavy utilization of the park and a pavilion located nearby will increase the need for restrooms.

CLOSED SESSION

Motion to go into closed session at 9:10 p.m.: 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 Union contract negotiations.

Meeting reconvened at 10:10 p.m.

ADJOURNMENT

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

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

Sharon L. Young
Township Clerk
West Windsor Township