

APPROVED: September 14, 2009

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
August 3, 2009

CALL TO ORDER: Vice President Geevers called the meeting to order at 7:03 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 July 14, 2009.

ATTENDEES: Vice President: Geevers; Council: Ciccone, Khanna; Acting Business Administrator: Hary; Township Attorney: Herbert; Chief Financial Officer: Louth; Township Engineer: Guzik; Deputy Township Clerk: Huber

ABSENT: Borek, Morgan

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

PUBLIC COMMENT

Ms. Holly Kelemen, 25 Old Bear Brook Road, voiced her concern regarding the proposed changes to the Maneely Tract ordinance to include setbacks which is before the Planning Board on August 12th, 2009.

Mr. Voytek Trela, 70 Bear Brook Road, voiced his concern regarding the article in the West Windsor & Plainsboro News regarding Walden Woods. He also advised that he is disappointed that additional meetings have not been scheduled with Township Officials regarding this matter.

Mr. Dwayne Brath, 76 Bear Brook Road, noted that there are 16 families who spent their time building their homes. He advised that their deeds state a restriction period of ten years. He also noted that COAH's Chair has stepped down and he feels that his ruling should be reviewed regarding their homes.

Ms. Maureen Boyle, 68 Bear Brook Road, noted she is a single mother and would like to get this matter settled.

Ms. Anne Jacobs, 64 Bear Brook Road, advised that she is a single mother and spent 2,400 hours building her home. She noted that the agreement was for ten years and she would not have given up time with her daughter to build her own home if this was not the case. Ms. Jacobs advised that they built these homes under state laws. She noted that she received a letter from Piazza Associates in January of this year regarding the thirty year ruling and that they had never been made aware of this condition prior to this time.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Discussion on Resident Concerns Regarding Placement of Cellular Telephone Antennas on Existing PSE&G Power Line Towers in Residential Areas

Ms. Amy Chanson, 2 Columbia Place, advised she attended the Planning Board meeting a month ago where the Planning Board granted permission to have the cell phone antennas located on the existing PSE&G power line towers. She requested that the Township Ordinance be changed and noted she is willing to help the Township rewrite the ordinance. Ms. Chanson advised they have submitted a petition with over 200 residents' signatures to the Township and would like to work with officials to have the ordinance rewritten to ban cellular towers in residential areas.

Mr. William E. Andersen, 22 Woodbury Court, noted that the residents who signed the petition all feel that this is a serious problem in the Township. He advised that the ordinance needs to be changed and that the current ordinance leaves the residents of this Township defenseless. Mr. Andersen advised that the Planning Board Chair reported that no variances were required for the T-Mobile application to add a co-mingle antenna to an existing PSE&G tower. He noted that the Township's ordinance needs to be changed to make it similar to Princeton Township's ordinance, which was previously distributed to the Township Council and Mayor. Mr. Andersen noted that Township residents need these protections and the ordinance should be

reviewed and amended. He requested a limited moratorium on cell tower installations within residential areas until the ordinance can be amended.

Ms. Alice Maniere, 2 Auburn Place, advised that this group is proposing a new ordinance be drafted so that no cell towers are installed in residential areas. She asked the Council and Mayor to be proactive and to move the process forward as quickly as possible. Ms. Maniere advised that their request is fair and the right thing to do.

Mr. Andrzej Ruszczynski, 5 Cedar Court, advised that residents are at the complete mercy of the telecommunication companies. He noted that companies should not have the right to expose people to microwaves. Mr. Ruszczynski requested assistance from the Council and Mayor regarding this matter.

Mr. Herbert advised that several members of the audience referred to a memorandum prepared by his office. He noted that the current Township ordinance provides for co-location of antennas versus a new tower being installed. Mr. Herbert advised that even if the ordinance is changed it would not affect the T-Mobile approval. Mr. Herbert noted that if the ordinance is changed it could open the door for applications for a use variance to the Zoning Board of Adjustments, which under the current ordinance is not allowed. He noted that a number of conditions were placed on the applicant and that there are protections built into the current ordinance to have an applicant come before a land use board where restrictions can be placed on the applicant.

Ms. Geevers advised that Council wants to review the Princeton ordinance and have a broader discussion on the technical aspects of this matter. She advised that this will be placed on the next agenda session.

Ms. Ciccone inquired whether the Hopewell ordinance has been challenged and if the towers are only in non-residential areas; would this suffice for closing the gaps in the Township for service for the telecommunications companies.

Discussion ensued regarding the cell tower locations and gaps with service and how to move forward. Administration will prepare a report for the August 17th Township Council meeting.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh advised that the Department of Transportation will be holding a groundbreaking ceremony for improvements to Route One in the area of Quakerbridge Road on Thursday, August 6th from 12:30 to 1:30 p.m. He reported that a new research technology company has moved into one of Sarnoff Corporation's vacant buildings. Mayor Hsueh also mentioned that many residents are concerned about the "S" curve on Alexander Road and advised that this project is scheduled after the completion of the Meadow Road improvements.

Mr. Hary advised that a memorandum has been prepared and handed out regarding the Dreher Group properties along Route 571. He noted that University Square has their first tenant who will occupy the third floor. Mr. Hary reported that the County will begin work shortly on the crosswalk on Clarksville Road near Avalon Watch. He advised that National Night Out will be conducted at WaterWorks on Tuesday, August 4th from 5:00 to 8:00 p.m.

COUNCIL MEMBER COMMENTS

Mr. Khanna advised that more meetings will need to be conducted to find ways to provide tax relief. He would like to know what each department feels can be done to be more effective and what additional resources are needed. He noted that in these economic times the Township has to address these items head on to reduce taxes.

CHAIR/CLERK COMMENTS

Ms. Geevers reminded residents that Harris Road is a 25 mph zone and to please slow down on this roadway. She reminded Council members not to remove any documents from the Council Office, especially the bills and claims.

PUBLIC HEARINGS

2009-14 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS OF THE TOWNSHIP OF WEST WINDSOR, IN THE
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE
AGGREGATE AMOUNT OF \$4,816,625 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$4,286,100 BONDS OR NOTES
OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Vice President Geevers opened the public hearing and advised that a Special Business Session needs to be scheduled for the above Bond Ordinance due to the fact that a two-thirds majority vote is necessary and there are only three members of Council present this evening. She advised that a meeting will be scheduled for August 10th for the continuance of the public hearing.

Mr. Alvin Lerner, 67 Rainflower Lane, advised that there is a program for issuance of revenue bonds through the United States Department of Treasury and inquired if the Township was aware of this program.

Ms. Louth advised that these bonds are general obligation bonds and that these are being funded through taxation, which is a different type of bond than what Mr. Lerner is inquiring about.

Ms. Geevers read several of the projects listed in the bond ordinance.

Motion to continue the Public Hearing to August 10th: Khanna.

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

 Morgan - absent

 Borek - absent

2009-15 BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$210,000 FOR THE PRINCETON JUNCTION REDEVELOPMENT PLAN IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION

Vice President Geevers opened the public hearing and advised that the public hearing for this ordinance would be continued at the Special Business Session scheduled for August 10th, for the same reasons as stated above.

Motion to continue the Public Hearing to August 10th, 2009:

Ciccione

Second: Khanna

RCV: aye Ciccione

aye Geevers

aye Khanna

Morgan - absent

Borek - absent

2009-16 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 \$30,000 - WaterWorks Aquatic Complex Improvements

Vice President Geevers opened the public hearing.

Motion to close public hearing: Khanna

Second: Ciccione

RCV: aye Ciccione

aye Geevers

aye Khanna

Morgan - absent

Borek - absent

Motion to adopt: Khanna
Second: Ciccone
RCV: aye Ciccone
 aye Geevers
 aye Khanna
 Morgan - absent
 Borek - absent

CONSENT AGENDA

RESOLUTIONS

2009-R183 Authorizing the Cancellation of the Municipal Portion
of Property Taxes for the Year 2009, per the Fifty-
Year License Agreement with PSE&G Approved in 2004

2009-R185 Authorizing the Refund of Property Tax Overpayment

2009-R186 Authorizing the Refund of Development Plan Review
Escrow to R.G. Development (PB 08-12)

MINUTES

May 18, 2009 - Business Session, as amended
June 8, 2009 - Business Session, as amended
July 1, 2009 - Inauguration/Reorganization, as amended

BILLS & CLAIMS

Ms. Ciccone requested that resolution 2009-R184 be pulled for further discussion.

Vice President Geevers requested that the June 22nd minutes be pulled for further discussion.

Motion to approve consent agenda as amended: Ciccone
Second: Khanna
RCV: aye Ciccone
 aye Geevers
 aye Khanna
 Morgan - absent
 Borek - absent

Minutes - June 22, 2009 Business Session

Mr. Herbert advised that he did not have any problems with the additional language Mr. Morgan suggested on Page 58 of the Township Council Packet with regard to the June 22 minutes.

Vice President Geevers requested that the June 22 minutes be pulled for review by the Clerk's Office with regard to Mr. Morgan's comments on Page 59 of tonight's packet.

2009-R184 Authorizing the Cancellation of Taxes for a 100% Disabled Veteran

Ms. Ciccone inquired how Veterans are made aware of this program.

Mr. Herbert reviewed the procedure for qualifying and noted that the Veteran's Organizations are very proactive. He noted that there are several individuals receiving this benefit in the Township.

Motion to approve: Ciccone

Second: Khande

RCV: aye Ciccone

aye Geevers

aye Khanna

Morgan - absent

Borek - absent

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2009-R187 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Reappointment of William E. Antonides, CPA, RMA, as Municipal Auditor to be Retained through June 30, 2010

- 2009-R188 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Reappointment of Sockler Realty Services Group, Inc. for Various Valuation Analysis for Tax Appeal Defense for the Period of July 1, 2009 through June 30, 2010
- 2009-R189 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Appointment of Harry Haushalter, Esquire for Special Tax Counsel for Tax Appeal Defense for the Period of July 1, 2009 through June 30, 2010
- 2009-R190 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Reappointment of McManimon & Scotland, L.L.C. as Bond Counsel through June 30, 2010
- 2009-R191 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement for Reappointment of Phoenix Advisors, LLC as Financial Advisor to be Retained through June 30, 2010
- 2009-R192 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Ruderman and Glickman P.C. for Labor Counsel and Related Legal Services from July 1, 2009 through June 30, 2010

COMMUNITY DEVELOPMENT

- 2009-R193 Authorizing the Mayor and Clerk to Execute an Agreement with New Jersey Barn Company for Services to Repair the Schenck Farm School House Timberframe
- 2009-R194 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with Avalon Bay Communities, Inc. (PB 08-08)
- 2009-R195 Granting Additional Reservation of Sewer Capacity for the Project known as The Church of Saint David the King (PB 08-07)

- 2009-R196 Granting the Request by Asset Management Consultants for a Full Release of Performance Guarantees Posted for Private Site Improvements for the Project Known as Sprint Spectrum/Nextel (PB 00-12)
- 2009-R197 Granting a Reduction of Performance Guarantees to Asset Management Consultants for the Project Known as Sprint Spectrum/Nextel (PB 99-09)
- 2009-R198 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with T & M Associates for Miscellaneous Engineering Services from August 3, 2009 through December 31, 2009
- 2009-R199 Authorizing the Mayor and Clerk to Execute an Amended Professional Services Agreement with ACT Engineers for the Project Known as Annual Road Improvement Program

Vice President Geevers inquired as to why the additional funds were needed.

Mr. Guzik advised that additional projects were done that were not originally anticipated under the 2008 Annual Road Improvement Program and therefore ACT Engineers had to perform additional inspections.

Motion to approve Resolutions 2009-R187 through 2009-R199:

Cicccone

Second: Khanna

RCV: aye Cicccone

aye Geevers

aye Khanna

Morgan - absent

Borek - absent

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

2009-R200 Approval of the Application of Mac Acquisition, LLC
for the Newly Created Plenary Retail Consumption
Liquor License

Motion to approve: Khanna

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

Morgan - absent

Borek - absent

ADJOURNMENT

Motion to adjourn: Khanna

Second: Ciccone

VV: All approved; Borek, Morgan absent

The meeting was adjourned at 8:33 p.m.

Sharon L. Young
Township Clerk
West Windsor Township