

APPROVED: June 22, 2009

WEST WINDSOR TOWNSHIP COUNCIL
AGENDA SESSION
May 4, 2009

CALL TO ORDER: President Morgan called the meeting to order at 6:01 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 4, 2008 and a Closed Session for the purpose of Potential Litigation and Contract Negotiations on April 27, 2009.

ATTENDEES: President: Morgan; Vice President: Kleinman; Council: Borek, Ciccone, Geevers; Mayor: Hsueh; Business Administrator: Marion; Township Attorney: Herbert; Township Clerk: Young

CLOSED SESSION

Motion to go into closed for the purpose of potential litigation and contract negotiation discussion: Kleinman

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

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 potential litigation and contract negotiations.

The meeting opened at 6:50 p.m. and adjourned until the scheduled 7:00 p.m. start of the Agenda Session.

MEETING RECONVENED

President Morgan reconvened the meeting at 7:00 p.m. and requested that the Clerk again advise that the Adequate Notice for this meeting was done.

Ms. Young advised that this meeting had been noticed to the Trenton Times and Princeton Packet on July 4, 2008. She also read Chapter 60-8 Political Programming of the West Windsor Township Code with regard to the use of cable channel 27 even though the meeting was not being video taped.

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

Mr. Marion requested that the following three resolutions 2009-R102, 2009-R103, and 2008-R104 be added to the agenda under Community Development. He noted that the Township Attorney will review each resolution as they come before Council. Mr. Marion also asked that resolution 2009-R099 for the Meadow Road Extension and Duck Pond Run Interceptor-Phase I contract be deferred until the May 18th Business Session.

President Morgan requested to add under Council Member/Clerk a discussion regarding political sign placements.

Ms. Young requested that Resolution 2009-R094 be rescinded until the award of the new Consumption liquor license to Mac Acquisition. She advised that this resolution was approved at

the April 20, 2009 Business Session. Ms. Young requested that this action be taken after the Consent Agenda.

President Morgan advised the audience that Council and Administration try not to add resolutions to the agendas once they are prepared. He noted however, that due to circumstances beyond the Township's control the three resolutions need to be added. President Morgan announced that questions or concerns regarding the budget should be made under public comment.

PUBLIC COMMENT

Ms. Susan Conlon, 98 Harris Road, spoke regarding the budget and the need for the public to know that evaluations are being done and what fundraising can be done for various programs.

Ms. Ina Marx, 101 Claridge Court, expressed her view on the West Windsor Community Foundation.

Mr. Pete Weale, 144 Fisher Place, voiced his concern regarding Resolution 2009-R101 with PSE&G and inquired as to what consideration PSE&G is giving the Township for this agreement. He requested that Council not take action on this resolution.

Ms. Janet Lerner, 67 Rainflower Lane, requested that the following two items for discussion be removed from this evenings agenda: Community Foundation of West Windsor 501(c)(3); Request for Council Investigation of West Windsor Community Foundation.

FOR ACTION

Consent Agenda

Resolutions

2009-R097 Authorizing the Refund of Escrow Balances from
Development Plan Review Accounts

Minutes

March 23, 2009 - Special Redevelopment Business Session
March 30, 2009 - Budget Work Session #2
March 30, 2009 - Agenda Session
April 2, 2009 - Budget Work Session #3
April 2, 2009 - Business Session

Bills & Claims

President Morgan requested that resolution 2009-R098 be removed.

Motion to approve the consent agenda: Borek

Second: Geevers

RCV: aye Borek

aye Ciccone*

aye Geevers

aye Kleinman

aye Morgan

*Ms. Ciccone recused herself from the approval of the minutes of March 23, March 30 Work Session #2, March 30 Agenda Session, and the April 2 Budget Work Session #3, since she was not serving on Council at that time.

ITEM REMOVED FROM CONSENT AGENDA

2009-R098 Authorizing the Township to Participate in an On-Line Auction at PropertyRoom.com as Authorized through the Local Unit Electronic Technology Pilot Program and Study Act, P.L.2001, c.30

President Morgan inquired how this on-line auction differs from using E-bay to sell a liquor license.

Mr. Marion advised that this is a pilot program and that he would review and advise Council on how this program differs from trying to use E-bay for the sale of a liquor license.

Motion to approve: Kleinman

Second: Ciccone

RCV: aye Borek
aye Ciccone
aye Geevers
aye Kleinman
aye Morgan

CLERK

Rescinding of Resolution 2009-R094.

A motion was made to rescind Resolution 2009-R094: Borek

Second: Kleinman

RCV: aye Borek
aye Ciccone
aye Geevers
aye Kleinman
aye Morgan

Recommendations from Department Heads and/or Division Managers

Community Development

2009-R099 Authorizing the Mayor and Clerk to Execute a Contract with Star of the Sea Concrete Corporation for the Meadow Road Extension and Duck Pond Run Interceptor-Phase I

This resolution has been removed from the agenda for consideration at the May 18, 2009 Business Session.

2009-R100 Supporting the Grant Application to the Sustainable Jersey Program to be Utilized to Help Fund Procurement of Equipment for the GroWW Fair and Future Events

Motion to approve: Kleinman

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

2009-R101 Authorizing the Mayor and Clerk to Execute an Agreement with PSE&G to Use the Alexander Road Compost Facility as a Staging Area for Utility Pole Replacement Project

Mr. Marion gave a brief overview of this action. He noted that PSE&G contacted the Community Development Department with this request and, in conjunction with the Township Attorney, this agreement was prepared.

Mr. Herbert advised that this will be a staging area for the telephone poles which are being installed along Alexander Road by PSE&G.

Mayor Hsueh advised that the Alexander Road Bridge project is not 100% complete and that once these poles are installed street lighting will be added to this area.

Mr. Herbert advised that by creating this staging area it helps move the project forward more efficiently.

Mayor Hsueh advised that the Trolley Line Trail is scheduled to be completed through to Mercer County Park.

Motion to approve: Geevers

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

LAW

2009-R102 Amending the West Windsor Second Round Fair Share Plan by including DiMeglio Tract

Mr. Herbert noted that this action adds the DiMeglio Property to the Affordable Housing Plan. Mr. Herbert reviewed resolutions 2009-R103 and 2009-R104 and noted that the Township has to designate a mediation team and that these two resolutions are needed to appoint a member of Council to be part of these teams. Mr. Herbert requested adoption of the three resolutions.

Motion to approve Resolution 2009-R102: Borek

Second: Kleinman

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

2009-R103 Designation of Mediation Team to Negotiate on behalf of Township, under COAH Rules, with respect to Objections filed by Fair Share Housing Center to Township's Housing Element and Fair Share Plan

2009-R104 Designation of Mediation Team to Negotiate on behalf of Township, under COAH Rules, with respect to Objections filed by IC/L-A Washington Road, LLC to Township's Housing Element and Fair Share Plan

Ms. Kleinman advised that only four members are required for the mediation team for the objection filed by the Fair Share Housing Center and five members are requested for the objection filed by IC/L-A Washington road.

Discussion ensued regarding which member of Council should be selected.

Ms. Kleinman suggested placing Ms. Ciccone as the Council representative. Ms. Kleinman also requested that Mr. Herbert be removed from Resolution 2009-R103 since this mediation team can only have five members and not six as with Resolution 2009-R104.

Motion to approve 2009-R103 and 2009-R104 as amended: Borek

Second: Kleinman

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

FOR DISCUSSION

Mayor/Administrator

Proposal from Princeton University - Draft Ordinance Allowing Low Speed Vehicles on Roadways with speed limits up to 35 mph

Mr. Marion gave a brief overview of the proposed request from Princeton University and advised that a similar ordinance has been passed by Princeton Township.

Ms. Kristin Appelget, Director Community and Regional Affairs, Princeton University, advised that the University is working to replace gas powered vehicles with electric vehicles on campus. She noted that in order to do this an ordinance allowing "low speed vehicles" on roadways with speed limits up to 35 mph needs to be approved by the municipality. Ms. Appelget advised that

permission to run these vehicles on Alexander Road, Carnegie Boulevard, and a portion of Harrison Street is requested. She noted that this is a pilot program and that the vehicles are about the size of a Ford Ranger. Ms. Appelget introduced Mr. Roger Demareski, Assistant Vice President for Facilities Plant.

Mr. Roger Demareski, Assistant Vice President for Facilities Plant, Office of the Vice President of Facilities, Princeton University, advised that safety was a main issue when selecting the appropriate vehicle for this program. He advised that the University is purchasing these vehicles from E-ride. Mr. Demareski passed around pictures of the proposed vehicles.

Ms. Kleinman inquired as to how fast these vehicles can go.

Mr. Demareski advised they can not go any faster than 25 mph.

Ms. Ciccone noted her only concern is with traffic backup and inquired what steps are being taking.

Mr. Demareski noted that these vehicles would be used primarily within Princeton Borough and Township, and throughout the University roadways. He advised that if backups start to occur during certain times of the day the University would work with the local police departments to address the issues.

A short discussion ensued with members of Council and representatives of the University.

Mr. Marion advised that Council's concerns will be addressed by staff and if Council is in favor, the introduction of this proposed ordinance could be prepared for the May 18th Business Session agenda.

Proposal from West Windsor-Plainsboro Soccer Association -
Installation of Lights at Duck Pond Park

Mr. Dobromilsky advised that Council has before them the proposal for installation of lights by the West Windsor-Plainsboro Soccer Association. He noted that these fields have been installed and now the lights are needed so that games can be conducted at night. Mr. Dobromilsky advised that the Association would like to install the lights this summer. He

noted that the Township is responsible for providing electricity in the park and that funds have been previously budgeted for this part of the project.

Mr. Borek noted that earlier this evening the Council discussed the Meadow Road improvements, and questioned whether the construction on this roadway would impact residents using the fields.

Mr. Dobromilsky advised that this would be managed if necessary during the construction.

Ms. Ciccone inquired about the time frame for installation of lights and the completion of the parking lot.

Mr. Dobromilsky advised that project completion should take about a month depending on delivery of the lights and PSE&G's installation of the electric.

Mr. Marion advised that the Township only has to authorize the electric to the site and can prepare a resolution with an amended Memorandum of Understanding with the Soccer Association for the installation of lighting on the May 18th Business Meeting.

Mr. Herbert suggested that a motion could be made accepting the proposal from the West Windsor-Plainsboro Soccer Association.

Motion to accept in principle the April 14, 2009 Proposal for Installation of Lights at Duck Pond Park from the West Windsor-Plainsboro Soccer Association and to memorialize this action by resolution at the May 18th, 2009 Business Session: Geevers

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Kleinman

aye Morgan

Ms. Kleinman inquired about the proposed "green" lighting and if the lights listed in the proposal is the appropriate lighting to be installed.

Mr. Dobromilsky advised that this is the correct lighting to be installed in order to play soccer safely at night.

Township Tax Assessor's Update/Report

Mr. Benner gave his annual report on added assessments, residential appeals, and commercial appeals.

Discussion ensued between members of the Council and Mr. Benner on various issues presented.

2009 Municipal Operating and Capital Budgets "Wrap-Up"

Mr. Marion advised that Ms. Louth has prepared an amendment sheet for the 2009 Municipal Budget and that if members of Council have any additional items to be adjusted to give them to Administration this evening.

Ms. Louth reviewed the amendment sheet passed out to Council for the 2009 Municipal Budget.

Mr. Marion requested amendments to the budget from Council.

Discussion ensued regarding the Planning Board legal costs from 2007 and 2008 versus 2009 and the proposed four ordinances for review in 2009. Discussion continued on various scenarios regarding the budget and how to reduce the budget to a zero increase in the tax rate.

Discussion was conducted regarding the creation of 501(c)(3), whether or not it is permissible, and how this would help reduce the tax rate.

Ms. Ciccone requested a memorandum from the Township Attorney regarding the viability of a 501(c)(3) and then the discussion could continue if permissible.

Motion to have the Township Attorney prepare a memorandum regarding the viability of a 501(c)(3):Ciccione

Second: Kleinman

RCV: aye Borek

aye Ciccione

aye Geevers

aye Kleinman

aye Morgan

Ms. Geevers requested that Administration present a municipal budget with a zero tax rate increase.

Mr. Marion requested parameters for Administration to follow in preparing a zero tax rate increase budget.

Council members requested the following parameters: one with cuts in staff, one without cuts in staff or furloughs, and one with the utilization of additional surplus (fund balances).

Ms. Louth reviewed surplus (fund balances) and how they affect the Township budget. She advised that the budget can only be increased by four percent over the previous year's budget by State Statute. Ms. Louth cautioned against a zero based budget and explained how this would impact future budgets.

Mayor Hsueh advised that due to the economic downturn the Township has to be cautious.

Ms. Ciccione requested that Administration prepare scenarios for the next two years if the budget is reduced to a zero base.

Mr. Marion advised that he will review additional dates to continue the budget discussion.

Mr. Borek advised that if reductions are going to take place it needs to be across the board. He noted that the employees in the Township are hard working and diligent. Mr. Borek advised that he has not heard an outcry from residents to reduce the tax rate nor did anyone attend the meeting this evening to address this issue.

Upcoming Administration Requests for Council Action

Mr. Marion gave a brief update on the Swine Flu and handed out information that will be placed on the Township web-site for residents.

Council Member/Clerk

Community Foundation of West Windsor 501(c)(3)

This item was requested to be discussed by members of Council after receipt of a memorandum from the Township Attorney.

Sign Ordinance

President Morgan requested an interpretation from the Township Attorney regarding political signs as it is written in the newly adopted sign ordinance.

Mr. Herbert advised that ordinance 2009-08 Section A-4 addresses temporary signs to include political signs. He noted that he issued an interpretation in April regarding public signs in the public right-of-way. Mr. Herbert advised that Mr. Surtees suggested that the political signs be removed from the median and the Alexander Road Bridge roundabout by tomorrow by both parties.

Discussion ensued regarding the posting of political signs. It was decided that this ordinance should be reviewed at a future agenda session.

Request for Council Investigation of West Windsor Community Foundation

President Morgan advised that this matter was placed on the agenda due to requests received from two residents.

Ms. Kleinman advised that she would like to know what the residents' concerns are before this matter is discussed.

Mr. Herbert advised that such a discussion can take place.

Mayor Hsueh noted that the funds were received from Tyco, Inc. of West Windsor, funds from officiating at weddings, donations from friends, and his own money.

President Morgan suggested that a response be sent from him as Council President to the two individuals addressing their concerns.

Members of Council advised that these individuals can speak with the Mayor directly and that this should not be addressed any further by Council.

Renewable Energy Permits

President Morgan advised that a request to waive permit fees for renewable energy installations has been received from a resident.

Ms. Kleinman advised that there are residents in town who are setting examples regarding energy efficiency. She suggested that Administration review the proposal which would allow the reduction of Township fees for these types of inspections.

Discussion ensued regarding this matter.

Mr. Marion advised that collection of information is necessary and that residents can currently go to the New Jersey Department of Community Affairs to ask to have these fees waived. He noted that the first step should be to place this on a future agenda session and have Mr. Valeri available for further discussion.

Sidewalk Repair

Mayor Hsueh advised that the Township has received additional grant funding from the State of New Jersey for additional sidewalk projects.

President Morgan noted that the West Windsor Bicycle and Pedestrian Alliance has requested each year that additional sidewalk projects be budgeted.

Discussion ensued.

COUNCIL REPORTS

Ms. Ciccone advised that on April 26th volunteers from the Township partnered with the Millstone Regional Watershed and collected over 400 pounds of garbage along waterways within the Township. She reported that this past Saturday she and Ms. Kleinman attended a program at the Mercer County Library in West Windsor to make children more aware of environmental concerns.

Ms. Geevers requested additional time for review of the Redevelopment Newsletter.

Mr. Marion requested that changes to this Newsletter be returned to Administration next week.

Ms Kleinman suggested scheduling a meeting with all the non-profits within West Windsor to review goals that could be attained without a duplication of effort.

Mayor Hsueh advised that he will follow-up on this matter.

PUBLIC COMMENT

Mr. Andrew Bromberg, 24 Providence Drive, expressed his views on this evening's meeting to include Council making a wise choice in selecting Ms. Ciccone to fill the vacancy on Council. He voiced his views on members of Council and Mayor Hsueh.

Mr. Al Lerner, 67 Rainflower Lane, inquired as to what the Township is going to do to reduce the tax rate. He noted that 501(c)(3) is an adjunct to the Township. Mr. Lerner advised that the Township should pursue having data backup centers located in West Windsor.

Mr. Kevin Tindall, 1201 Old Trenton Road, noted that he has helped draft the sustainable construction and permits fee standards and advised that he is currently writing the standards for the water programs through the National Plumbers Association.

Mr. Alan Marx, 101 Claridge Court, advised that the Council and Mayor should be taking a look at our community during these economic times.

ADJOURNMENT

Motion to adjourn: Borek
Second: Kleinman

The meeting was adjourned at 10:45 p.m.

Sharon L. Young
Township Clerk
West Windsor Township