

APPROVED AS AMENDED: January 11, 2010

WEST WINDSOR TOWNSHIP COUNCIL  
AGENDA SESSION  
November 9, 2009

CALL TO ORDER: Vice President Geevers called the meeting to order at 6:06 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 and Special Notice for the Closed Session was provided on November 2, 2009 to The Times and the Princeton Packet.

ATTENDEES: President: Borek (arrived at 6:30 p.m.); Vice President: Geevers; Council: Ciccone, Khanna, Morgan; Mayor: Hsueh; Business Administrator: Hary; Labor Attorney: Ruderman (left at 6:35 p.m.); Township Attorney: Herbert (arrived at 6:45 p.m.); Planning Board Attorney: Muller (arrived at 6:40 p.m.); Coordinator of Community Development: Ward (arrived at 6:40 p.m.); Manager of Land Use: Surtees (arrived at 6:40 p.m.); Landscape Architect: Dobromilsky; Planning Board Consultant: Madden; Township Clerk: Young

CLOSED SESSION

Motion to go into closed session for the discussion of potential litigation and labor contract negotiations: Ciccone

Second: Morgan

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

Borek - absent

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 labor negotiations.

MEETING RECONVENED

Meeting reconvened and Council went directly into the Board of Health meeting at 7:00 p.m. which adjourned at 7:21 p.m.

PUBLIC COMMENT

Ms. Virginia Manzari, 28 Berkshire Drive, congratulated Ms. Ciccone on being elected to Council and noted her support of a zero-based budget. She encouraged Council to look at alternatives to reduce the budget for 2010.

Mr. Andrew Hersh, 5 Halstead Place, noted that Ms. Ciccone called for a zero based budget and advised that he read in the local newspaper that Mr. Morgan presented a resolution requesting a zero-based budget and additional options. He called upon Council to request different options from Administration to enable Council to make an informed decision on the budget for 2010.

FOR DISCUSSION

Mayor/Administration

Princeton Power Systems - West Windsor "Clean Energy Initiative"

Mayor Hsueh gave a brief history of Princeton Power Systems. He noted that with their assistance the Township is going to file an application with PSE&G for a pilot project to install a solar system on a section of the property owned by the Township between the Princeton Junction Fire House and the Police/Court facility. Mayor Hsueh also noted that once the energy audit is received from PSE&G the Township will move forward with "Green" initiatives.

Dr. Marshall J. Cohen, President & CEO, Princeton Power Systems, gave a brief history of how the company was formed and the type of products and clients that they work with. He noted that currently they are located on the Sarnoff Tract. Dr. Cohen advised that representatives from his company, along with Township staff, will be working together to apply for the PSE&G Solar-4-All Program. He noted that if the Township is selected to be one of the recipients, the solar field would be built at no expense to the Township. Dr. Cohen advised that the Township would also receive rental revenue from PSE&G for the use of this property for the project. He noted that in addition to this rental income, the Township would also be provided with emergency backup energy for the entire Municipal Complex. Dr. Cohen advised that this area would also serve as an educational site and that an information booth would be installed either at the municipal building or the library for residents to seek additional information about the project and solar power. A short Power Point presentation accompanied Dr. Cohen's presentation.

Ms. Ciccone expressed her enthusiasm for the proposed project and inquired if the Township could in some way be connected to the solar field to help in the reduction of energy costs at the Municipal Complex. She also inquired when the energy audit will be concluded.

Mayor Hsueh advised that once the energy audit has been concluded Administration will be reviewing the proposed

suggestions to seek ways to make the Municipal Complex more energy efficient.

Mr. Hary advised that the Township has spoken to Princeton Solar Systems regarding clean energy for the Municipal Complex and that his office will be reviewing these items in more depth once the energy audit has been received from PSE&G. He noted that the energy audit should be concluded within the next two weeks and then a report will be submitted to the Township.

Mayor Hsueh advised that he requested this presentation be given to Council in an effort to get a consensus of support for the concept of this project. He noted that once the Township has been selected by PSE&G to be a recipient of this program he will forward to Council a resolution for approval to proceed.

President Borek advised that this will put West Windsor in the forefront and show that the Township is supporting sustainability.

While expressing support for solar panels and sustainability generally, Mr. Morgan disagreed with Ms. Ciccone and Mr. Borek with respect to this particular idea, stating that we should not use land reserved for future expansion of the municipal complex when the solar panels could be placed in the retention basin next to the firehouse or on the roofs of the buildings in the municipal complex. He questioned the economics of the proposal and suggested that West Windsor could implement solar panels at lower cost and higher return by doing the installation itself. Mr. Morgan suggested that the PSE&G hurdle rate exceeded 15% whereas the West Windsor hurdle rate was something less than 3.5% with the result that PSE&G likely could not deliver the proposal as economically as could West Windsor by itself. Mr. Morgan suggested that we should look at our options and do a cost benefit analysis of the competing ideas to determine the best choice.

Mr. Hary advised that this was merely an application to make sure that West Windsor would get consideration from PSE&G.

Mr. Morgan expressed concern that West Windsor would find itself in a position of having to say "yes" under time pressure if the application was accepted and West Windsor had not finished its

homework on alternative options. Mr. Hary assured Mr. Morgan that West Windsor would not be making any commitments by making the application. Mr. Morgan advised that West Windsor should not be paying the consultant for undertaking the application on behalf of West Windsor. Mr. Hary advised that West Windsor was not paying the consultant for this work.

Dr. Cohen advised that with this type of technology it is too large to place on a structure. He also reminded Council that they will be receiving revenue from PSE&G along with emergency backup power for the Municipal Complex.

Motion to move forward with the application process for the PSE&G Solar-4-All Program: Geevers

Mr. Morgan requested clarification of the motion that the application did not commit West Windsor to move forward with the program, that the motion did not approve West Windsor incurring any expense during the application process and that the motion included a request for a cost-benefit analysis of the proposal and the alternatives. Mr. Morgan was advised that the motion incorporated all of those conditions.

Second: Ciccone  
RCV: aye Ciccone  
aye Geevers  
aye Khanna  
aye Morgan  
aye Borek

Council Member/Clerk

Hyatt Place Princeton Hotel - Hotel/Motel Liquor License Presentation

Mr. Richard Morgan, SVP and Managing Director, Owned and Managed Hotels, gave a presentation in support for the Hyatt Place to obtain a limited Hotel/Motel Exception Consumption license.

Ms. Ciccone inquired what the price is that they are looking for.

Mr. Paul D. Strauchler, Attorney for Hyatt Place Princeton Hotel, advised that they are anticipating paying the newly enacted fees of \$25,000, plus \$50.00 per sleeping unit.

Mr. Herbert advised that the Township has recently adopted this change in legislation and that the total price to be received from the Hyatt Place under this provision would be \$31,150.

A short discussion ensued between the representatives of the Hyatt Place, Council, and the Township Attorney. It was requested that the Clerk's Office prepare the necessary resolution to move forward with the issue of the license.

FOR ACTION:

Consent Agenda

2009-R264 Authorizing the Opening of a Swimming Pool Utility  
Capital Fund Checking Account

Bills and Claims

Motion to approve the consent agenda: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

RESOLUTIONS

ADMINISTRATION

2009-R265 Certification of Compliance with the Promulgation of  
the Local Finance Board of the State of New Jersey for  
the 2008 Annual Report of Audit

2009-R266 Acknowledging the Implementation of the Corrective  
Action Report Prepared in Conjunction with the 2008  
Municipal Audit

Motion to approve resolutions 2009-R265 and 2009-R266: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geever

aye Khanna

aye Morgan

aye Borek

2009-R267 Budget Transfer to Provide for the Transfer of Funds  
into the Buildings and Grounds Overtime Budget to  
Cover Unanticipated Costs Associated with Renovations  
to the Senior Center

Motion to approve 2009-R267: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geever

aye Khanna

aye Morgan

aye Borek

AGENDA AMENDED

Mr. Hary requested that the resolution authorizing the Insertion of Special Item of Revenue for the H1N1 grant in the amount of \$100,000 be added to the agenda.

Motion to add Resolution 2009-R268 to the agenda: Ciccone

Second: Geever

RCV: aye Ciccone

aye Geever

aye Khanna

aye Morgan

aye Borek

2009-R268 Authorizing the Insertion of Special Item of Revenue  
for Local Public Health Emergency Response to H1N1  
Grant

Motion to approve 2009-R268: Ciccone

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

INTRODUCTION OF ORDINANCES

2009-22 AN ORDINANCE AMENDING PART 1, SITE PLAN REVIEW,  
ARTICLE II, "TERMINOLOGY," AND PART 4, "ZONING,"  
ARTICLE XXVI, "TITLES, PURPOSES, ESTABLISHMENT OF  
DISTRICTS; GENERAL CONDITIONS," AND ARTICLE XXIX, "USE  
AND BULK REGULATIONS FOR RESIDENCE DISTRICTS," OF THE  
CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY  
ESTABLISHING A NEW PMN DISTRICT

Mr. Muller reviewed the history of the proposed ordinance to date. He noted that the property owner has paid \$35,000 in escrow fees for the research and preparation of this ordinance. Mr. Muller advised that the property owner has agreed to change the wording in section 200-194.2L(3) from "50 feet from any existing abutting off-tract residential structure" to 50 feet from the property line. He also noted that the property owner has agreed to add "but no more than 2-½ stories" after "Maximum building height: 38 feet" throughout the ordinance as applicable.

Mr. Hary advised that the professionals will address questions from members of Council.

Members of Council asked various questions regarding the ordinance, and the Township staff and professionals addressed them.

PUBLIC COMMENT

Ms. Amira Scurato, 50 Bear Brook Road, inquired about the 50-foot setback for residents along Old Bear Brook Road. She voiced her concerns about the effect the roundabout will have on her quality of life and the loss of property for the buffer.

Mr. Madden addressed Ms. Scurato's concerns and advised that the nearest retail building would be approximately 124 feet from her home. He also advised that the provision within the ordinance for buffering on her property gives her the right to make her choice with respect to buffering along her property.

Ms. Amira Scurato, 50 Bear Brook Road, again voiced her concern that she would be losing part of her front and side property by having berming installed.

Mr. Morgan inquired if the wordage within the ordinance gives Ms. Scurato the right to veto the roundabout location.

Mr. Muller advised that it does not give her the right to veto the roundabout location; it gives her the ability to choose whether or not the property owner will install landscaping on her property.

Ms. Holly Kelemen, 25 Old Bear Brook Road, requested clarity on the buffering to her property and noted her displeasure with the current version of the ordinance provided by the Township. She asked about the size of the property the Township owns at the intersection of Old Bear Brook and Bear Brook Roads.

Ms. Ward advised that the professionals and staff cannot address some of these issues this evening because the matters are site plan concerns and will be addressed at site plan review.

Ms. Stephanie Dursin, 42 Old Bear Brook Road, noted that her house was built in the early 60's and that when the two homes along each side of her property were built the land the homes were built on was elevated. She inquired if this development will be elevating the land and how this affects the proposed height restrictions.

Mr. Dobromilsky advised that the height is from the existing grade; the maximum improvement coverage is 60% on the townhouse lots. He explained that all rainwater has to be controlled on the Maneely property and cannot drain off onto other neighboring properties.

Mr. Dobromilsky advised that all berm and buffering is addressed in other Township ordinances and does not have to be added to this ordinance. He noted that screening and buffering will be done at site plan review.

Mr. Robert Piccione, 40 Old Bear Brook Road, noted that the residents of Old Bear Brook are not opposed to the development, but concerned about being adversely affected by the ordinance. He noted that the area is mostly residential in character and most of this proposed development is not residential. Mr. Piccione voiced his concern about the "corporate suites" and if the language is written strong enough to avoid having a Motel 6 built on this property. He noted that currently the ordinance is written so that none of the residential would be facing along Old Bear Brook Road.

Mr. Madden addressed Mr. Piccione's concerns regarding corporate suites and advised that he liked the idea of residential across from residential.

Mr. Gary Chun, 10 Devonshire Drive, voiced concern regarding the 50 feet height for corporate suites and retail buildings. He requested that the amended ordinance be forwarded to The Estates at Princeton Junction Homeowners' Association.

Mr. Dobromilsky advised that there is approximately 400 feet of open space between The Estates at Princeton Junction and the Maneely Tract.

Mr. F. Timothy Boylan, Managing Member, Maneely Princeton, LLC, advised that his family has owned the property for over 40 years. He noted that they are not the developer, just the property owner. Mr. Boylan advised that the Township staff and professionals created a master plan to include the proposed zoning of a Planned Mixed Neighborhood (PMN) area on their property. He noted that he and his representatives have worked with the Township professionals, staff, the Planning Board, and

that he has listened to comments from the public and professionals and appreciates what everyone has had to say. Mr. Boylan advised that he has agreed to the 50-foot setback from the property line instead of the residential structure which affects properties located off of Old Bear Brook Road. He also noted that he has agreed to the 2-½ stories or 38-foot high structures.

Ms. Holly Kelemen, 25 Old Bear Brook Road, inquired if on page 5, Section 200-194.2B(2) should read "shall" and not "may". She also suggested that on Page 6, Section 200-194.2C(3) "post office branch and" be eliminated.

Mr. Muller agreed with both points.

Further discussion among members of Council and the Township professionals suggested several changes.

Motion to move clock thirty minutes to 11:30 p.m.: Morgan

Second: Ciccone

VV: All Approved.

Mr. Muller again reviewed all the proposed changes to the ordinance:

- Section 200-194.2L(3) on page 13 of the ordinance suggested the following changes: "All buildings in the Planned Mixed Use Neighborhood District shall be set back a minimum of 50 feet from any existing residential lot not separated by a public road if adequate buffering as determined by the Planning Board is provided. If such adequate buffering is not provided, the setback shall be 75 feet from the existing residential structure."
- One additional change was also requested by Council. Section 200-194.2L(2) (b) [10] on page 13 should be changed to read "All off-street parking must be in rear yards. On-street parking on internal roads shall be permitted."

Motion to introduce Ordinance 2009-22 as amended: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geever

aye Khanna

aye Morgan

aye Borek

Public Hearing is scheduled for the November 23, 2009 Business Session.

COUNCIL MEMBER/CLERK

Zero Based Budget Option Resolution

Mr. Morgan noted that he prepared a zero-based budget option resolution and circulated it to Council a couple of weeks ago. He advised that in the Township Code and the New Jersey State Statutes that a member of Council can ask the Mayor for a report on the status of the budget or a project. He explained that he had sent an e-mail to Mayor Hsueh but to date has not received any response.

Mr. Herbert addressed Mr. Morgan's concerns.

President Borek noted that at the September 21<sup>st</sup> budget meeting Council discussed a list of items for Administration to review and advise Council if these were feasible.

Ms. Geever advised that she does not agree with the third paragraph of the resolution and suggested that when Administration forwards the budget that a worksheet be prepared of recommended reductions to assist with the decision making.

Mr. Hary advised that both Administration and Council are working for the same common goal. He noted that everyone needs to work together and have mutual trust.

Motion to move the clock fifteen minutes to 11:45 p.m.: Geever

Second: Ciccone

VV: All approved.

Discussion continued regarding the budget process and what are reasonable requests of Council to Administration with regard to the Township budget process.

COUNCIL COMMENTS

Mr. Morgan referenced the Standard and Poor report and the specific recommendations made within the report.

Ms. Ciccone requested that the Cable TV ordinance pertaining to what can and cannot be said on a public access channel be reviewed and updated. She also noted that the sign ordinance needs to address election signs more specifically as well as new business signs.

Mr. Kamal inquired about the location of affordable housing units throughout the Township and the need to track them more closely.

#### COUNCIL REPORTS

Ms. Ciccone advised that the Planning Board reviewed an application for the Princeton Seminary to build new apartment buildings and there is the potential for a large portion of mature trees to be removed.

Ms. Geevers advised that the Parking Authority meets on November 11<sup>th</sup>.

#### PUBLIC COMMENT

Ms. Amira Scurato, 50 Bear Brook Road, inquired as to why her home is zoned differently than the rest of the residences on Old Bear Brook Road. She also inquired about the cost of installation of the roundabout.

Mr. Herbert advised that the developer would finance the roundabout.

#### ADJOURNMENT

Motion to adjourn: Morgan  
Second: Ciccone  
VV: All approved.

The meeting was adjourned at 11:45 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township