

APPROVED: January 11, 2010

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
NOVEMBER 23, 2009

CALL TO ORDER: Vice President Geevers 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 July 14, 2009.

ATTENDEES: Vice President: Geevers; Council: Ciccone, Khanna, Morgan; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Planning Board Attorney: Muller; Coordinator of Community Development: Ward; Township Clerk: Young

ABSENT: Borek

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Ms. Sue Levine, 66 Lillie Street, President, West Windsor-Plainsboro Service Association, representing 100 plus custodial and maintenance staff who are in jeopardy of losing their jobs if privatization is recommended by Edvocate, the consultant hired by the school district's finance committee to study this possibility, asked that Council pass a resolution in support of the West Windsor-Plainsboro Service Association and forward a copy to the West Windsor-Plainsboro Board of Education.

Mr. John Brady, 109 Alfred Avenue, noted that outsourcing custodial work would not create a secure environment for students.

Ms. Patricia Devito, 43 Berrien Avenue, suggested that the West Windsor-Plainsboro Board of Education consider other alternatives for saving taxpayer funds.

Ms. Rae Roeder, 194 Washington Road, stated that studies show that outsourcing jobs will not save taxpayer funds.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Swearing in of Diane Ciccone as Council Member

Ms. Young read the results of the November 3rd General Election for the Council vacancy:

Diane Ciccone received 3,681 votes

OATH OF OFFICE: MEMBER OF COUNCIL

Ms. Diane Ciccone, accompanied by her husband Daryl and their daughter Kali, came forward to be sworn in. Township Clerk, Sharon Young, administered the oath of office. Ms. Ciccone's term expires June 30, 2011.

Ms. Ciccone thanked the residents of the Township and commended Mr. Hersh on his campaign.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary advised that the Annual Tree Lighting Ceremony will be held on Sunday, December 6th at 7:00 p.m. He also noted that construction of the storage pole barn at Community Park has been completed and the construction project on Meadow Road is on schedule and is expected to be completed by the spring of 2010. Mr. Hary advised that the Township has administered over 1,600 doses of the H1N1 vaccine and will have another clinic on December 2nd at Grover Middle School.

COUNCIL MEMBER COMMENTS

Mr. Morgan congratulated Ms. Ciccone on winning the election, and noted he looks forward to working with her.

Ms. Ciccone suggested a discussion about forming a sustainability task force at the next Agenda Session and to set goals for sustainability certification in 2010. She also

suggested looking at the current nuisance law and the need for it to be strengthened.

Mr. Khanna congratulated Ms. Ciccone on winning the election. He noted that he supports Administration's plan to provide one budget; Council will then be able to work with Administration on alternatives to assist in attempting to create a budget with a zero tax increase.

Ms. Geevers reported that she attended the West Windsor Arts Council meeting and that various committees were formed. She also noted that she had spoken with a Rite Aid Associate who noted concerns with the blighted area. Ms. Geevers advised that Mayor Hsueh will be meeting with Rite Aid representatives in December.

PUBLIC HEARINGS

2009-21 AN ORDINANCE TO SUPPLEMENT CHAPTER 168, "TRAFFIC AND PARKING," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR - South Post Road

Vice President Geevers opened the public hearing.

Motion to close public hearing: Morgan

Second: Ciccone

RCV: aye Ciccone
 aye Geevers
 aye Khanna
 aye Morgan
 Borek - absent

Motion to adopt: Ciccone

Second: Morgan

RCV: aye Ciccone
 aye Geevers
 aye Khanna
 aye Morgan
 Borek - absent

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

Vice President Geevers opened the public hearing and requested that Mr. Muller review the changes made at the November 9, 2009 meeting and the proposed two non-substantial changes forwarded to Council.

Mr. Muller reviewed the changes made at the November 9, 2009 meeting and explained the two additional non-substantial changes he requested in a memo sent to Council on November 17. He advised that he has reviewed the West Windsor Bicycle and Pedestrian Alliance memorandum and noted that these items will be addressed at the site plan review stage of the project.

Mr. Morgan requested clarification for the record that the two proposed changes to page 13 of the ordinance are not substantial changes and can be added without having to extend the public hearing.

Mr. Muller advised that he and Mr. Herbert have discussed the two proposed changes and found them not to be substantial. He also noted that the property owner has no problem with these proposed changes.

Ms. Ciccone stated that developers should have a clear picture of what the town expects from them at the site plan application level.

Ms. Geevers questioned the guidelines for roundabouts.

Mr. Muller, Mr. Herbert, and Ms. Ward addressed various concerns from members of Council to include: design standards for the roundabout, and clarifying bicycle and pedestrian standards.

Mr. Gary Chun, 10 Devonshire Drive, voiced his concerns with the height of structures and the effect it will have on residents at The Estates at Princeton Junction.

Mr. Muller advised there is at least a 400-foot buffer between the Maneely property and The Estates at Princeton Junction.

Mr. Jerry Foster, 15 Suffolk Lane, Trustee, West Windsor Bicycle and Pedestrian Alliance, reaffirmed the West Windsor Bicycle and Pedestrian Alliance comments for the plan and explained in detail some of the options and standards proposed by the Alliance.

Ms. Amira Scurato, 50 Bear Brook Road, refuted the language regarding the landscaping of the roundabout, and spoke about the need for sidewalks along Old Bear Brook Road.

Mr. Herbert, Mr. Muller, and Ms. Ward addressed her concerns.

Ms. Silvia Ascarelli, 27 Melville Road, Trustee, West Windsor Bicycle and Pedestrian Alliance, suggested the Township apply the same bicycle and pedestrian standards as addressed in the redevelopment area.

Ms. Holly Kelermen, 25 Old Bear Brook Road, spoke of the time it took to create the ordinance and wanted clarification on a few issues.

Motion to close public hearing: Morgan

Second: Khanna

RCV: aye Ciccone
aye Geever
aye Khanna
aye Morgan
Borek - absent

Mr. Muller reviewed the proposed amendments to ordinance per Council's request.

Motion to adopt as amended: Morgan

Second: Khanna

RCV: aye Ciccone
aye Geevers
aye Khanna
aye Morgan
Borek - absent

CONSENT AGENDA

RESOLUTIONS

2009-R269 Refund of Overpaid Sewer Rent

2009-R270 Refund of Overpaid Property Tax Payments

2009-R271 Authorizing the Full Release of Inspection Fee Escrow Account Balance to Robert Nami Construction for the Goddard School

2009-R272 Authorizing a Reduction of Inspection Fee Escrow Account Balance to RXR Construction for R.M. Square LLC-University Square

2009-R273 Granting Release of Performance Bond Posted by Gres Paving Co., Inc. for Work Done at 601 New Village Road Street Opening Permit No. 2009-10

2009-R274 Granting Release of a Cash Performance Bond Posted by Telecable, Inc. for Work Done along Village Road East Street Opening Permit No. 2009-13

Minutes

October 13, 2009 - Business Session

October 13, 2009 - Closed Session

Bills & Claims

Motion to approve consent agenda: Ciccone

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

Borek - absent

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2009-R275 Providing for the Insertion of a Special Item of Revenue for the Recycling Tonnage Grant in the 2009 Municipal Budget

COMMUNITY DEVELOPMENT

2009-R277 Authorizing the Execution of Change Order No. 1 for final quantities adjustment and project closeout for the Project Known as Emergency Vehicle Pre-Emption for Harris/Penn Lyle and Clarksville Roads Intersection - Techna-Pro Electric, LLC

2009-R278 Granting Full Release of Performance Guarantees to Boston Properties for Site Improvements Associated with Carnegie Center West-Phase C-Building 701

2009-R279 Granting Full Release of Maintenance Guarantees to New Jersey Hospital Association for Site Improvements Associated with the project known as the Center for Health Affairs

PUBLIC WORKS

2009-R280 Authorizing the Mayor and Clerk to Execute a Contract with Scheideler Excavating Company for Emergency Bypass Pumping

Motion to approve Resolutions 2009-R275 and 2009-R277 through

2009-R280: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

Borek - absent

2009-R276 Authorizing the Mayor and the Clerk to Execute a Contract with Warnock Automotive Inc. to Provide One 2010 Ford Escape Hybrid 4WD Vehicle for the Department of Community Development, Division of Code Enforcement

Mr. Hary requested that Resolution 2009-R276 be deferred.

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

2009-R281 Authorizing the Award of a New Plenary Retail Distribution Liquor License to Trader Joe's East Inc.

Ms. Young noted that the price of the liquor license sold for \$750,000.00.

Motion to approve: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

Borek - absent

2009-R282 Authorizing the Place to Place Transfer of the Plenary Retail Distribution Liquor License Owned by Wegmans Food Markets

Ms. Young explained that Wegmans has a liquor store and a grocery store and the place to place transfer of the distribution liquor license will encompass the first floor and part of the second floor of the main store in addition to the liquor store.

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

2009-R283 Authorizing the Issuance of New Hotel/Motel Exception
Plenary Retail Consumption License for a Minimum Bid
Not to Exceed \$25,000 plus \$50 Per Sleeping Room

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

INTRODUCTION OF ORDINANCES

2009-23 AN ORDINANCE TO SUPPLEMENT THE CODE OF WEST WINDSOR
TOWNSHIP PART II GENERAL LEGISLATION, CHAPTER 150:
STORMWATER POLLUTION PREVENTION PLAN (SP3), ARTICLE VI
"YARD WASTE COLLECTION"

Mr. Hary explained that this ordinance requires residents to refrain from placing leaves in bags of any kind.

Mr. Morgan suggested educating the residents via the website regarding this ordinance before it takes effect.

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

Public Hearing for this ordinance is scheduled for December 7, 2009 Business Session.

COUNCIL REPORTS/COMMENTS

Ms. Ciccone reported that she had spoken to the Environmental Commission regarding idling of trucks and buses, reviewing the tree ordinance, and how to implement parts of the approved sustainability plan. She also spoke of a grant program available to help residents in need of assistance with payment of heating costs. Ms. Ciccone noted that she attended a session on E-Government during the New Jersey League of Municipalities and supports this concept.

Mr. Morgan spoke of the need to review the budget process now.

Ms. Geevers advised that the West Windsor Parking Authority met and discussed New Jersey Transit's retail concept plan. She noted the proposed plan will be forwarded to the Planning Board for a courtesy review. Ms. Geevers also advised that discussion of swapping the Vaughn and Wallace lots was reviewed. She noted that all emergency phones will be removed from the various parking lots.

ADDITIONAL PUBLIC COMMENT

Mr. Alvin Lerner, 67 Rainflower Lane, questioned who has the right-of-way at the Alexander Road Bridge roundabout.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

Borek - absent

The meeting was adjourned at 8:50 p.m.

Sharon L. Young
Township Clerk
West Windsor Township