

APPROVED: December 7, 2009

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
October 26, 2009

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 July 14, 2009.

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

Ms. Young read Chapter 60-8 "Political Programming" from the West Windsor Township Code with regard to the use of the cable channel.

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. Michael Baxter, 6 Landing Lane, advised that several residents attended a gathering on October 25th to discuss the improvements needed along Route 571 between Alexander Road and Wallace Road. He presented several items of concern from residents who attended the gathering.

Mr. Andrew Hersh, 5 Halstead Place, spoke about the proposed parking facility at the Princeton Junction Train Station which New Jersey Transit is proposing to build. He voiced his opinion on the improvements needed along Route 571.

Mr. Al Lerner, 67 Rainflower Lane, voiced his opinion about the unsightly area of Route 571 near Wallace and Alexander Roads and how the redevelopment statutes can help the Township in removing these buildings.

Ms. Beth Feehan, 429 Clarksville Road, inquired as to why the Council is allowing taxpayer funds to continue to be spent on lawsuits brought by Council Member Morgan against Mayor Hsueh.

Ms. Janet Lerner, 67 Rainflower Lane, reminded residents that the blight along Route 571 has been an issue for years. She noted that since this area is within the redevelopment area it should be addressed as part of the redevelopment project.

Mr. Paul Cerna, 955 Alexander Road, has been a volunteer for 19 years and voiced his concern that he is losing interest in volunteering for the Township because of the lawsuit against Mayor Hsueh.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Redevelopment Update from Mayor Hsueh and Edward McManimon, Redevelopment Attorney

Mayor Hsueh gave his opening statement regarding the redevelopment area and advised that meetings have been conducted with various agencies to include: New Jersey Transit, the West Windsor Parking Authority, and other State and County agencies as applicable at this time. He noted that the Township is working with various State and County agencies to seek funding for infrastructure improvements to this area since it is a regional rail line. Mayor Hsueh advised that the Township is working closely with New Jersey Transit and the West Windsor Parking Authority with regard to New Jersey Transit's parking garage facility for the Princeton Junction Train Station. In addition, the Mayor advised that the Township is working with State agencies regarding the brownfields within the redevelopment area seeking State and Federal funding for cleanup of these areas.

Mayor Hsueh reported that he held a meeting with area Mayors regarding infrastructure improvements needed along Route 1, Harrison Street, and the Penns Neck Bypass and that future meetings are planned in order for the various communities to work together to seek funding for these improvements.

Mayor Hsueh noted that the Township has been in contact with the Dreher Group regarding the new Rite Aid site on Route 571 and that staff is working with them to have this area cleaned up and the project moved forward. He reviewed the Acme Property history and advised that this property is managed by several members of a family who are located across the United States.

Mayor Hsueh reminded residents that the Township and the County have an agreement that Route 571 between Clarksville Road and Wallace Road will be three lanes, with bicycle and sidewalk improvements. He advised that this project was placed on hold because of the Alexander Road Bridge Project and that he has been in contact with County officials to have the Route 571 project resume. Mayor Hsueh advised that the Township has received funding for improvements to Wallace Road and North Post Road to make them more pedestrian friendly with the installation of sidewalks and bicycle lanes.

Mayor Hsueh noted that the Planning Board recently approved sustainability elements for the Township Master Plan. He advised that PSE&G is currently performing an energy audit of all Township facilities. Mayor Hsueh reported that he will be making a presentation at the November 9th Agenda Session regarding installation of solar panels by Princeton Power Systems on the land between the Princeton Junction Fire House and the West Windsor Township police station. He noted that the company would pay rent to the Township for use of the property, provide backup energy for the municipal complex and use the site for educating the public on clean energy.

Mr. McManimon advised that the Township is at the foundation stage for creating the redevelopment area which incorporates the Route 571 area that residents have voiced concerns about this evening. He noted that site control and respecting the private property owners' rights are critical issues.

Mr. McManimon advised that New Jersey Transit is a key player in this project and that the Township is continuing to work with them on their proposed parking garage facility along with the West Windsor Parking Authority. He noted that the Township has requested New Jersey Transit to include retail space when they design the parking structure for the train station. Mr. McManimon advised that in addition to Township representatives working with New Jersey Transit, the Township is also working with other State agencies on the road improvements, funding options, and timing of these projects. He addressed questions and concerns from members of Council regarding the redevelopment process.

ORDER OF AGENDA AMENDED

LAW

Mr. Herbert requested that Resolution 2009-R261 be moved forward on the agenda.

Motion to move Resolution 2009-R261 forward: Ciccone
Second: Morgan
VV: All approved

2009-R261 Approving the Memorandum of Understanding between Trustees of Princeton University and the Township of West Windsor - Voluntary Contributions to West Windsor Township

Mr. Herbert read the changes to the resolution prepared by his firm.

Ms. Kristin Appelget, Director of Community and Regional Affairs, Princeton University, advised that the document before the Council had been a verbal agreement prior to today and that the first payment of \$50,000 for the property was made in 2008. She advised that this payment is in addition to the farmland taxes received on the property yearly.

Members of Council asked various questions of Ms. Appelget and Mr. Herbert regarding the agreement.

Motion to approve: Khanna

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Mr. Morgan requested that the PMN ordinance be moved forward on the agenda.

Second: Khanna

VV: All approved

INTRODUCTION OF ORDINANCE

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

Discussion ensued regarding whether to move forward with the introduction of the ordinance this evening.

Mr. Herbert suggested that a special hearing be scheduled to hear the public comments.

Ms. Young suggested introducing the ordinance this evening and set the Public Hearing for November 9th and, if necessary, re-introduce that evening if substantial changes are made. She noted that if the ordinance was re-introduced the Public Hearing could still be held on November 23, 2009.

Mr. Herbert suggested going with the Clerk's Plan.

Motion to defer the introduction of Ordinance 2009-22 until the November 9th Agenda Session: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Council requested that the Clerk's Office advise the property owner and residents of this meeting via mail.

Mr. Morgan requested that minutes of all sessions regarding this ordinance be placed in Laserfiche for Council members to review.

Ms. Holly Kelemen, 25 Old Bear Brook Road, advised that Township staff and Maneely representatives met with residents twice in 2008 and met with residents of Windsor Haven once in 2008 and again in June of 2009.

Ms. Florence Cohen, Affordable Housing Chair, voiced her support of the ordinance and requested that it be moved forward this evening.

Ms. Ciccone advised that the developer presented a concept plan to show what the property could look like and that once the ordinance is approved, the developer will have to go through Site Plan Review and Planning Board review for final approvals.

Mr. Morgan advised that there are representations that were made by the developer to the residents that have not been placed in the ordinance before Council.

ORDER OF AGENDA RESUMED

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary advised that the Township has contacted various candidates to advise them that their Election signs have been removed from intersections per the Municipal Code. He reported the following:

- H1N1 first shipment has been received and the Township will start vaccinating students Kindergarten through Third Grade.
- Energy audit of municipal facilities began today and should conclude within the next week.
- A meeting was held with COAH, the Township, and representatives of Walden Woods regarding the deeds to the Walden Woods properties. He advised that COAH will continue to review and report back to the Township with their ruling.

COUNCIL MEMBER COMMENTS

Mr. Morgan advised that Council needs to review the sign ordinance for the Township. He reminded everyone that when the Township first started televising the Council meetings, it started after public comment. He suggested reviewing the Cable TV section of the Code Book with Attorney Goodell because of his extensive expertise on the subject.

Mr. Khanna thanked Mr. Hary and Ms. Louth for meeting with him on the budget process.

Ms. Geevers advised that there was an error made during the Council debate sponsored by the Friends of West Windsor Senior Citizens and the Village Grande Homeowners' Association on October 19th and that the Township is not spending \$800,000 per year for the redevelopment project. She also requested updates be placed on the web-site with regard to the redevelopment process to keep residents aware of the project's status.

Mr. Herbert reported on the InterCap case before Judge Feinberg and that a confidential memorandum regarding the case was sent to Council.

CHAIR/CLERK COMMENTS

Ms. Young requested that a resolution prepared by a member of Council regarding "zero based budget option" be added to the agenda under "Recommendations from Council and/or Clerk".

Ms. Geevers requested that this be placed on an Agenda Session for discussion.

Discussion ensued among members of Council and it was decided to add this resolution for review at the Agenda Session on November 9th.

PUBLIC HEARINGS

2009-20 AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 36-3
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR TO COMPLY
WITH CHAPTER 83 OF THE LAWS OF 2009 CONCERNING PLENARY
CONSUMPTION LICENSES TO QUALIFIED HOTELS AND MOTELS

President Borek opened the public hearing for Ordinance 2009-20.

Ms. Young explained that this ordinance is only for alcoholic consumption of the guests staying in the hotel/motel and is not to be utilized for a restaurant or public bar. She advised that if a hotel/motel received a license under this provision and wanted to change the use they would have to come before the Township for a new approval.

Mr. Morgan noted a point of clarification for the record that if a hotel applies for this on a limited basis and then converts to a full dining facility that this license would not apply and the hotel/motel owners would have to come back to the Township for approval.

Mr. John Church, 11 Princeton Place, questioned whether this type of license could be grandfathered if an establishment would be sold.

Mr. Herbert addressed Mr. Church's concerns.

Motion to close public hearing: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

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

CONSENT AGENDA

MINUTES

August 31, 2009 - Business Session
September 14, 2009 - Business Session
September 21, 2009 - Special Budget Session
September 21, 2009 - Special Business Session
September 29, 2009 - Agenda Session

BILLS & CLAIMS

Motion to approve consent agenda: Khanna
Second: Ciccone
RCV: aye Ciccone
aye Geevers*
aye Khanna
aye/abstain Morgan**
aye Borek

*Ms. Geevers recused herself from approving reimbursement for herself on the Bills and Claims.

**Mr. Morgan abstained from the vote on minutes due to the fact that he had not had time to review them.

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

COMMUNITY DEVELOPMENT

- 2009-R254 Authorizing the Mayor and Clerk to Execute an Agreement with Authentic Construction Inc. for Renovation to Artifacts Area of the Schenck Barn, Wagon House foundation, and the School House foundation and hardscape
- 2009-R255 Authorizing the Mayor and Clerk to Execute a Contract with New Jersey Barn Company for Services to Repair and Assemble the Schenck Farm Wagon House Timberframe
- 2009-R256 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with PB Americas, Inc. for Engineering Services for the Project Known as Grover's Mill Dam
- 2009-R257 Authorizing the Mayor and Clerk to Execute an Amendment to the original Green Acres Project Agreement dated January 28, 2000
- 2009-R258 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Remington & Vernick Engineers for Engineering Services for the Project Known as Bicycle Circulation Improvements
- 2009-R259 Authorizing the Mayor and Clerk to Execute a Contract with Lucas Construction Group, Inc. for the Labor, Material, Equipment and Services for the Project Known as Bicycle Circulation Improvements

2009-R260 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Note-Harvey Associates for Engineering Services for the Project Known as West Windsor Township Community Park Parking Improvements

Motion to approve Resolutions 2009-R254 through 2009-R260:

Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

2009-R262 Calling on the US Department of Housing and Urban Development to Adjust the FHA Limits Set for Mercer County, New Jersey

Ms. Ciccone explained the necessity for this resolution for West Windsor.

2009-R263 Authorizing the Mayor and Clerk to Execute a Contract with LargeDoc Solutions for the Imaging Conversion of Architectural Maps and Block and Lot files in the Division of Code Enforcement

Motion to approve Resolutions 2009-R262 & 2009-R263: Morgan

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

INTRODUCTION OF ORDINANCES

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

Motion to introduce: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Public Hearing will be held at the November 23, 2009 Business Session.

COUNCIL REPORTS/COMMENTS

Ms. Ciccone advised that the Planning Board passed the sustainability element for the Master Plan at their last meeting. She advised that the Cell Tower Ordinance is currently with the Ordinance Review Committee and that the Planning Board understands Council's urgency on this ordinance.

Ms. Geevers reported that she attended the Parking Authority meeting and that residents who park at the train station should not leave their GPS and Ipods visible because of thefts occurring at the train station. She advised that the Parking Authority is looking into the necessity of emergency phones within the various parking lots around the train station. Ms. Geevers noted that the Parking Authority is working closely with New Jersey Transit on the proposed parking structure for the train station. She informed Council that she has been in contact again with Congressman Rush Holt's office regarding possible Federal funding for the Penn Lyle Road sewer project.

President Borek advised that residents are concerned about the H1N1 virus and noted that the Township is well prepared.

ADDITIONAL PUBLIC COMMENT

Mr. Andrew Hersh, 5 Halstead Place, inquired as to what President Borek's role would be in the event of an H1N1 outbreak. He voiced his concerns that the Township is not prepared for an outbreak. Mr. Hersh again commented on Route 571 and the Redevelopment area and the improvements that are needed to this area.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Geevers

VV: All approved

The meeting was adjourned at 10:00 p.m.

Sharon L. Young
Township Clerk
West Windsor Township