

APPROVED: May 17, 2010

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
April 6, 2010

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: Geever; Council: Ciccone, Khanna, Morgan; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Planning Board Attorney: Muller (left at 9:30 p.m.); Manager of Land Use: Surtees (left at 9:30 p.m.); Coordinator of Community Development: Ward (left at 9:30 p.m.); Chief Pica (arrived at 9:30 p.m. and left at 10:15 p.m.); Manager of Emergency Services: Yates (arrived at 9:30 p.m. and left at 10:15 p.m.); Twin W Chief Keller (arrived at 9:30 p.m. and left at 10:15 p.m.); Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

Ms. Sandy Shapiro, 15 Wycombe Way, voiced her support of Resolution 2010-R080 reducing the speed limit on Cranbury Road.

Mr. Pete Weale, 144 Fisher Place, inquired if someone had spoken to Mr. Gambatese regarding the proposed discussion on the sign ordinance. He again suggested changing the time of the meeting to 7:30 p.m. to allow more residents to attend. Mr. Weale inquired about the funds spent to date on the redevelopment project, completion of the trolley line trail, and minutes being posted to the web-site. He stated that it is incumbent on the Council to find cuts due to the reduction in State aid, and not add an additional tax burden on the residents.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Presentation and Acknowledgement - Princeton National Rowing Association

Mr. Kristopher Grudt, Executive Director, Princeton National Rowing Association, introduced himself and gave a brief history of the rowing team and the events that occur at the boat house facility at Mercer County Park. He advised that sixty athletes train and live in the community and he introduced several of the Princeton National Rowing team members who were in attendance. Mr. Grudt spoke about the junior athlete programs and introduced several junior members. He thanked the Mayor and members of Council for the support the Township has given the rowing team and presented them with plaques of appreciation.

Mayor Hsueh thanked them for the award and noted how proud the Township is to have this facility in the Township.

President Borek noted how privileged the Township is to be part of the Olympic dream.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh requested that residents spread the word to submit the 2010 Census forms so that the Township can receive the appropriate funding in the future from the State and Federal governments.

Mr. Hary reported that over the weekend there was a 400 gallon oil spill at Luke Oil on Route One and the Township's Hazmat team were activated for this event. He updated Council on the Energy Savings Program and advised that new lights and switches have been installed throughout the Municipal Building and Senior Center. Mr. Hary reported that he attended the Public Safety meeting and the Township is working with the two volunteer fire companies and the first aid squad to make residents and businesses aware of the services they provide to the Township. He advised that he is working on additional budget information for Council.

COUNCIL COMMENTS

Mr. Morgan noted that things need to be kept in perspective, and since his return from overseas he understands what privileged lives we have and thanked everyone who gave public comment this evening. He noted that Council has no executive powers and noted it is illegal for Council members to speak to staff without the direct permission of the Mayor or Administrator.

Mr. Khanna complimented the young athletes who were present this evening and what they do for the Township.

Ms. Ciccone noted that there is new legislation regarding motorists having to stop when someone is in the crosswalk. She requested that Administration provide a link on the Township website to this information. She thanked the local papers for highlighting the positive things being done by the youth of West Windsor. Ms. Ciccone advised that the Township must move forward with keeping the community sustainable. She noted that the Township needs to encourage business growth.

Ms. Geever noted it is not too late to send 2010 Census forms in. She reminded everyone to vote at the School Election on April 20 and advised that the polls are open from 7:00 a.m. to 9:00 p.m. She reviewed the amount of proposed school taxes on the average assessed home in West Windsor.

President Borek acknowledged the great job staff and volunteers do for the residents. He noted that the people who serve as volunteers do the best job for the community and are vital to the Township.

Mr. Morgan noted his concerns regarding the public hearing this evening on Ordinance 2010-07 regarding cell towers.

Mr. Herbert advised that the public hearing can be extended into a second evening if Council so chooses.

Discussion between members of Council continued regarding how to move forward on Ordinance 2010-07.

Ms. Young announced that petitions for County Committee seats are to be submitted no later than 4:00 p.m. on April 12th.

PUBLIC HEARINGS

2010-07 AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), "LAND USE," PART I, "SITE PLAN REVIEW," ARTICLE I, "TITLE, PURPOSE AND APPROVING AUTHORITY," AND PART IV, "ZONING," ARTICLE XXXI "GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES," BY AMENDING THE CELL TOWER ORDINANCE

President Borek opened the public hearing.

Mr. Muller advised that this ordinance came out of an application submitted by T-Mobile to the Planning Board last year. He reviewed the process that the Township has taken to get to this point. Mr. Muller reviewed the changes to the ordinance to include:

- Wireless Communications Facilities (WCF) on existing private towers now conditional use rather than a permitted use.
- WCF on Municipal Tower or on roof tops of buildings other than residential structures are permitted uses with no site plan review necessary in order to encourage installation of WCF at those locations.
- Applicants must demonstrate a need for the WCF, that the least intrusive site and technology have been used to satisfy the need, and that the WCF has been designed to have the least visible impact. The needs analysis is broader than the earlier "gap in coverage" language.
- The carrier must submit a comprehensive plan as to how it is going to satisfy the "gap in coverage" so that more WCF than are necessary are not installed.
- Additional height on towers reduced from 20 feet to 12 feet.
- Fence height around compounds reduced from 8 feet to 7 feet.
- Office-site landscaping required.
- No buildings in equipment compound, and all utilities must be underground.

- Provide standards for light, signage, and site activity control.
- Stringent Township noise standard, Section 200-25B used.

Mr. Richard Pizzo, 14 Auburn Place, suggested that monopoles be used in residential areas where needed and that a map should be designed showing potential monopole locations throughout the Township as a possible compromise.

Mr. Adrian Gurzau, 4 Reed Drive, North, President of the LeParc 2 Homeowners Associate, noted that the issue of cell towers is a passionate one for those who live along the towers. He requested the ordinance be rejected.

Mr. William E. Andersen, 22 Woodbury Court, offered suggestions to better enhance the ordinance.

Ms. Samantha Xi, 14 Auburn Place, suggested that the order of collocations for WCFs should be municipal facilities, school facilities, and then PSE&G or JCP&L towers. She voiced her concerns about having two hundred antennas located on each tower and noted she would like to see the 1000 foot location from a residence be increased.

Mr. Steve Smith, 17 Ginnie Lane, noted that cell towers decrease a home's value by 10% to 15%. He encouraged the Council to look out for the residents best interest when voting on this ordinance.

Ms. MaryAnn Doran, 8 Rumford Way, encouraged Council to reject the ordinance.

Ms. Jane Lifset, 22 Woodbury Court, spoke of the changes needed to the "limit of coverage" and "need analysis" sections of the ordinance.

Ms. Radha Mishra, 45 Amherst Way, noted concerns about the possibility of an antenna falling off one of the towers. She also voiced concern about the noise generated by the tower and potential health issues.

Mr. William Pazmino, 55 Amherst Way, inquired about the wooden posts being installed along the PSE&G right-of-way.

Mr. James Krause, 160 Penn Lyle Road, noted that he was unclear about the ordinance and suggested placing the towers somewhere not near children or homes. Mr. Krause voiced his concern about the noise that will be generated from the facility.

Ms. Wei Kong, 11 Walnut Court, voiced her concerns about the cell towers, the effect on property values, and the radiation emanating from the cell towers and the effects it will have on children.

Mr. Allen Boston, 9 Hickory Court, spoke about many issues regarding the ordinance.

Mr. Anthony Suppa, Verizon Wireless Representative, advised that he attended the Planning Board hearings on this ordinance. He noted that the Township's noise ordinance has more constrictive standards and that they are willing to work with the Township on the various issues. Mr. Suppa advised that the FCC is currently looking to mandate a minimum of eight hours of emergency backup for cell towers.

Ms. Pam Bainbridge, 155 Penn Lyle Road, inquired whether there is anything in the ordinance to restrict these towers within a residential area. She asked what the Township receives from having these towers located within the Township.

Mr. William Beck, Attorney for Verizon, addressed the benefits to reworking the existing ordinance and reviewed some legal concerns that Verizon has regarding the ordinance. He noted that sections of this ordinance are ambiguous and contradicting.

Mr. James Miller, Professional Planner on behalf of Verizon Wireless, provided some technical analysis regarding the proposed ordinance.

Mr. Muller addressed the public's questions and concerns that were raised during public hearing.

Mr. Surtees advised that the Planning Board reviewed the various noise standards suggested and concluded that there should be only one standard for noise. He noted that the Township's

Health Division is the regulating authority within the Township for noise complaints.

Mr. Muller noted that the Township Code has allowed collocations for the past 12 years and reminded everyone that there are strict Federal laws that must be adhered to when it comes to cell towers. He noted that priorities similar to Princeton Township are currently in place. Mr. Muller advised that the Township tries to encourage placement on commercial buildings first, followed by the Township's antenna, and then a collocation if necessary. Mr. Muller addressed shelters and noted this was discussed at the Planning Board and it was determined that the antenna compounds are considered an "industrial use" and to the extent possible these compounds should have a minimum impact on the neighborhood.

Ms. Christine Malone, Radio Frequency Engineer for the Township, addressed several residents' questions regarding the number of providers on an existing tower, the durability of a cell tower, the restriction of the number of cell towers and the use of collocation, and finally she advised that cell towers do not cause static on radios or televisions.

Mr. Surtees advised that the fence structure used to protect the equipment has been reduced from eight feet to seven feet.

Mr. Morgan noted that he is hearing the community and companies such as Verizon and PCIA/The Wireless Infrastructure Association that they are not happy with this ordinance and suggested that the hearing be continued. He requested an opportunity to sit with Mr. Muller and Mr. Surtees to answer not only his questions but those submitted by PCIA/The Wireless Infrastructure Association.

Mr. Khanna noted that Council has to make tough decisions and still adhere to Federal and State standards. He noted the Council has deliberated enough in his opinion on this matter and the only question left is whether we adopt the proposed ordinance or stay with the current ordinance.

Ms. Ciccone voiced her concern about opening the Township up for more lawsuits and requested that this be reviewed by the Attorney. She noted that this is an important issue before the

Township and that the Township has to follow FCC regulations. Ms. Ciccone requested that Mr. Muller address areas where minor changes could be made per various suggestions made this evening by residents.

Mr. Muller advised that the Planning Board reviewed other noise standards and agreed to stay with the Township's current noise ordinance. He noted that the Township's current ordinance with regard to cell tower locations has been in existence for the past twelve years.

Discussion continued regarding the additional number of towers that could be installed throughout the Township if collocation was taken out of the ordinance. It was noted that the demand for additional towers is due to the use of wireless devices by the public primarily within residential areas.

Ms. Geever addressed the issue of camouflaging the towers and noted that the Township needs to be stringent on the noise standards.

President Borek inquired as to how many applications are currently pending for cellular towers in the Township.

Mr. Surtees advised there are two before the Planning Board and an additional two coming before the Zoning Board of Adjustment.

Mr. Morgan motioned to extend the Public Hearing to another date to review the ordinance and PCIA memorandum and to provide additional time for him to examine the residents' concerns.

Second: Ciccone

RCV: Ciccone - Abstain

Geevers - Abstain

NAY Khanna

aye Morgan

aye Borek

The motion did not carry.

Motion to close public hearing: Khanna

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

NAY Morgan

aye Borek

Motion to adopt: Khanna

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

NAY Morgan

aye Borek

2010-06 AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR,
CHAPTER 4: ADMINISTRATION OF GOVERNMENT, ARTICLE VIII:
DEPARTMENT OF PUBLIC SAFETY, SECTION 4-34 "DIVISION OF
FIRE AND EMERGENCY SERVICES; AND SECTION 4-36
"VOLUNTEER EMERGENCY MEDICAL SERVICES DIVISION" AND
CHAPTER 82: FEES, SECTION 82-6 "FIRE PREVENTION, FIRE
SAFETY AND EMERGENCY SERVICES"

President Borek opened the public hearing.

Chief Pica reviewed the additional wording added to the ordinance for better clarification of roles.

Mr. Herbert noted that the changes were non-substantive.

Mr. Morgan offered additional language changes for a better understanding of the fees paid for insurance company purposes.

Mr. Herbert noted that Mr. Morgan's changes were also non-substantive.

Discussion ensued over whether the changes should be added to the ordinance to protect the Township.

Mr. Morgan addressed some additional questions to Mr. Yates regarding language in the ordinance that needs to be more specific and also pertaining to first responders.

Mr. Yates agreed with the language amendments.

Discussion ensued on the billing process and how it will work according to who is first on scene.

Mr. Hary noted that fees collected from this ordinance would conservatively be around \$200,000. He advised that this billing would only be implemented when career staff was on duty. Mr. Hary noted that the Township did not want to jeopardize the fundraising of the volunteer staff.

Mr. Mike Leahey, Deputy Chief of the Twin W Rescue Squad, advised Council that because of Twin W's charter, they cannot accept fees for their services. He explained his concerns with how this ordinance may affect their donations.

Mr. Shawn Keller, Chief of the Twin W, noted that he supports the ordinance with the language changes and advised Council that he will be supplying a quarterly report for them.

Ms. Geevers asked for an annual report of how the funds provided by the Township were utilized by Twin W for better accountability.

Ms. Carol Koski, 31 Rainflower Lane, asked for more details on how the ordinance will affect the Township residents.

Chief Pica noted that residents will not see any difference in services or fees. He explained that the costs associated by this ordinance will be born by the insurance companies.

Motion to close public hearing: Ciccone

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

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

CONSENT AGENDA

RESOLUTIONS

2010-R073 Refund of Overpaid Property Taxes

2010-R074 Authorizing the Appointment of Bryan Manolakos as
Alternate I to the Board of Recreation Commissioners
to Fill a Vacancy with a Term to Expire June 30, 2013

2010-R075 Authorizing the Appointment of John V. Mauder as
Municipal Housing Liaison for the Administration of
the Affordable Housing Program

2010-R077 Refund of Rent for the Use of Senior Center by Girl
Scout Troop 70672 due to Cancellation

MINUTES:

February 16, 2010 - Business Session

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

ITEMS REMOVED FROM THE CONSENT AGENDA

2010-R078 Requesting State Legislation to NOT Support Bills S-82
and A-437 that Modify the "Time of Decision" Rule

Mr. Hary asked to have this resolution permanently tabled.

2010-R076 Authorizing the Mayor and Clerk to Execute an Easement
Modification Agreement - 20 Spruce Street

Mr. Morgan had concerns with some of the wording in the agreement.

Mr. Hary noted that it is a boilerplate agreement that has been used for years.

BILLS & CLAIMS

Mr. Morgan asked what the ROID Grant is which is listed under the Division of Recreation's invoices. He also inquired about a fee to the Trump Taj Mahal that was also listed under Recreation.

Mr. Hary said that he would get the answers for Mr. Morgan

Motion to approve resolution 2010-R076 and Bills and Claims:
Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Motion to move the clock fifteen minutes: Morgan

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

The meeting clock was extended until 11:15 p.m.

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2010-R079 Urging the Restoration of the Energy Tax Receipt
Funding

Mr. Morgan noted his support for the resolution, but asked how the funding could have been removed.

Mr. Hary advised that he thought it was statutory to provide the funding to the municipalities. He noted that the Mayors of surrounding Townships are pulling together to get this resolution passed and have it sent to the Governor.

Motion to approve: Ciccone

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

COMMUNITY DEVELOPMENT

2010-R080 Requesting that Mercer County Freeholders and the
Mercer County Department of Transportation Enact Speed
Limits along a Curved Section of Cranbury Road

Motion to approve: Ciccone

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

2010-R081 Authorizing the Mayor and Clerk to Execute a Contract
with Ground Force Corp. for 2010 Public Lands
Maintenance Detention Basins and Open Space

2010-R082 Authorizing the Mayor and Clerk to Execute a Contract
with Greenleaf Landscape Systems & Services for 2010
Public Lands Maintenance Cul-de-Sac Islands

Mr. Morgan asked why costs for the two ground maintenance contracts were not being funded through the open space maintenance tax.

Mr. Hary explained that a percentage of the cost was being funded through the open space tax.

Motion to approve 2010-R081 and 2010-R082: Ciccone

Second: Geevers

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

2010-R083 Authorizing the Mayor and Clerk to Execute a
Professional Services Agreement with Davey Resource
Group for Professional Arboricultural Services

Motion to approve: Ciccone

Second: Geevers

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

INTRODUCTION OF ORDINANCES

2010-08 AN ORDINANCE TO RELEASE, VACATE, AND EXTINGUISH ANY
AND ALL PUBLIC RIGHTS IN CERTAIN PORTIONS OF THE
ALEXANDER ROAD RIGHT-OF-WAY

Mr. Morgan asked if a contingency could be included in the ordinance that would allow the Township to reacquire the property at a later date.

Ms. Geevers noted that tax dollars would be received yearly for the property.

Mr. Morgan asked for a closed session to address some additional concerns with the ordinance.

Mr. Hary noted that he will address Mr. Morgan's concerns in a confidential memo prior to the public hearing.

Motion to introduce: Morgan

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Public Hearing for ordinance 2010-08 is scheduled for the April 19, 2010 Business Session.

2010-09 AN ORDINANCE AUTHORIZING THE COMMENCEMENT OF AN ACTION UNDER THE EMINENT DOMAIN ACT OF 1971 AND AUTHORIZING THE ACQUISITION OF A RIGHT-OF-WAY AND A GRADING, DRAINAGE, AND UTILITY EASEMENT

Motion to introduce: Ciccone

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Public Hearing for ordinance 2010-09 is scheduled for the April 19, 2010 Business Session.

Motion to move the clock five minutes: Morgan

Second: Khanna

VV: NAY Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

The meeting clock was extended until 11:20 p.m.

COUNCIL REPORTS/COMMENTS

Mr. Khanna suggested that all Council members get their budget questions to Administration prior to the Budget Meeting on April 16th.

Ms. Ciccone suggested that Administration address the issues that Council outlined back in September of 2009.

Ms. Geevers suggested that all Bills and Claims questions be sent to Administration prior to the meeting to allow time to gather the necessary information to accurately answer the questions.

ADDITIONAL PUBLIC COMMENT

None.

ADJOURNMENT

Motion to adjourn: Morgan
Second: Khanna
VV: All approved

The meeting was adjourned at 11:17 p.m.

Sharon L. Young
Township Clerk
West Windsor Township