

APPROVED: September 7, 2010

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
JULY 19, 2010

CALL TO ORDER: President Ciccone 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 July 7, 2010 to the Trenton Times and July 9, 2010 to the Princeton Packet.

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

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. Voytek Trela, 70 Bear Brook Road, spoke of the Walden Woods resolution authorizing conditions and restrictions. He advised that this was not his understanding of the terms he discussed with Administration.

Ms. Silvia Ascarelli, 27 Melville Road, noted her support for 2010-R174 which encourages bike lanes be added on Washington Road.

Ms. Ilene Dube, 11 Meadow Run Road, advised that the Township needs to work with the West Windsor Arts Council to resolve the issue of the lease.

Ms. Ruth Potts, 11 Penn Lyle Road, noted her dissatisfaction with the current lease terms.

Ms. Heidi Kleinman, 131 South Mill Road, advised that the current Arts Council lease does not reflect a shared partnership or a shared vision between the Township and the West Windsor Arts Council.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Proclamation Honoring Beth Feehan for her Outstanding Work in the Township of West Windsor

President Ciccone read the Proclamation for Ms. Feehan.

Ms. Feehan noted that it was difficult to leave West Windsor after 12 years of living in the Township. She advised that the Farmers' Market is a great gathering place for the community.

Proclamation Honoring Don Shipley for Volunteerism on the West Windsor Senior Center Advisory Council

President Ciccone read the Proclamation for Mr. Shipley.

Mr. Shipley thanked the Council and Administration for the honor.

Presentation by the Environmental Commission Regarding the New Jersey Sustainability Plan for West Windsor Township

Mr. Mike Hornsby, Chairman of the Environmental Commission, provided the Council with a PowerPoint presentation that pertained to the New Jersey Sustainability Plan for the Township. He reviewed the sponsors and the various components of the program. Mr. Hornsby advised that the Township is striving for the Bronze Level of certification which is equivalent to 150 points.

Council addressed questions to Mr. Hornsby and thanked him for his presentation.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh provided an update on the Rite Aid property and advised Council that Black Rock Financial will be relocating to West Windsor Township.

Mr. Hary reviewed the difference between a tax rate and a tax levy, and noted that the Administration only has control over the tax levy.

Mr. Hary reviewed the concerns of both the Township and the Arts Council with the lease for the Arts Council building. He also asked Council to review the professional services contracts that he provided. Mr. Hary advised that they will be on the August 2<sup>nd</sup> Business Session agenda for a vote.

COUNCIL MEMBER COMMENTS

Ms. Geevers asked for further discussion about the difference between the tax levy and the tax rate.

Mr. Morgan thanked the volunteers for their hard work in bringing the Arts Center to fruition. He noted his concern about charging the Arts Council for rent. Mr. Morgan asked that the Walden Woods resolution be pulled for further discussion.

Mr. Borek noted that there is legislation up for a vote that would allow the Township to place bids and publication on the Township website for advertisement, and therefore save fees that would normally be spent on newspaper publications.

Mr. Khanna thanked the members of the West Windsor Arts Council for their many contributions.

CHAIR/CLERK COMMENTS

President Ciccone noted that the proclamations demonstrate the success West Windsor has with its volunteers. She advised that budget issues are always a concern and will become more of a focus. President Ciccone commented that Administration is working on having an efficiency study done. She noted her commitment to working hand in hand with Administration to maintain services in the community.

PUBLIC HEARINGS

2010-14 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168, "TRAFFIC AND PARKING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR - Stop Intersections

President Ciccone opened the public hearing.

Motion to close public hearing: Morgan

Second: Geevers

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

Motion to adopt: Borek

Second: Morgan

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

CONSENT AGENDA

RESOLUTIONS

2010-R158 Authorizing the Refund of Payment to Precision Building & Construction, LLC for the Schenck Farm Bid Documents

2010-R159 Authorizing the Refund of Payment to McGraw Hill  
Construction, Dodge Scan for the Schenck Farm Bid  
Documents

2010-R160 Authorizing the Refund of Payment to Kunzman  
Construction for the Schenck Farm Bid Documents

2010-R161 Authorizing the Updating of Signatures for the  
Municipal Court General Account and Bail Account

2010-R162 Refund of Overpaid Property Taxes

BILLS & CLAIMS

Motion to approve consent agenda: Morgan

Second: Borek

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2010-R163 Providing for Reimbursement of Solid Waste Collection  
Costs for Calendar Year 2009 for the Mews @ Princeton  
Junction Apartments

2010-R164 Establishing the 2010 Sewer Rate

2010-R165 Authorizing the Mayor and Clerk to Execute a Shared  
Services Agreement with the Township of Robbinsville  
for Public Health Care Services

2010-R169 Authorizing the Mayor and Clerk to Execute a Land  
Development Performance Guarantee Agreement with West  
Windsor Gardens, LLC for Landscaping

2010-R170 Authorizing the Mayor and the Clerk to Execute a Land Development Performance Guarantee Agreement with West Windsor Gardens, LLC for Sanitary Sewer Improvements

2010-R171 Authorizing the Mayor to Approve the Purchase and Replacement of Workstations and Laptops to Upgrade and Maintain the Computer Network from Dell Computer Corp., a New Jersey Contract Vendor

2010-R172 Supporting the Adoption of a Strong Anti-Idling Policy by the Township of West Windsor to Assist with Obtaining Certification under the Sustainable Jersey Program

Motion to approve 2010-R163 through 2010-R165, and 2010-R169 through 2010-R172: Morgan

Second: Borek

RCV: aye Borek

aye Geever

aye Khanna

aye Morgan

aye Ciccone

2010-R167 Authorizing the Conditions within the Resolution set forth for Walden Woods

Council asked to have this resolutions deferred until the August 9<sup>th</sup>, Agenda Session for further discussion.

2010-R168 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with the Trustees of the Theological Seminary of the Presbyterian Church

Mr. Morgan asked why President Ciccone voted "NAY" on the Planning Board resolution for this project.

President Ciccone advised that the project included the removal of a large number of trees on the property.

Mr. Herbert advised that tree removal is not a consideration when voting on a performance guarantee agreement.

Motion to approve 2010-R168: Khanna

Second: Borek

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

Ciccione - abstain

2010-R166 Authorizing the Mayor and Clerk to Execute a Lease Agreement with the West Windsor Arts Council for the Use of the Former Princeton Junction Firehouse as an Arts Center

Mr. Hary distributed the latest version of the lease with the revised terms.

Council asked to defer this resolution until they discussed the lease in closed session.

COUNCIL REPORTS/COMMENTS/RECOMMENDATIONS

2010-R173 Approval of the Application by BRE/AmeriSuites Properties, LLC t/a Hyatt Place for the New Hotel/Motel Exception License that Abides by P.L. 2009 C83

Ms. Young advised that the special conditions for the issuance of this license are listed in the resolution.

Motion to approve 2010-R173: Morgan

Second: Borek

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccione

2010-R174 Supporting the Recommendations of the West Windsor  
Bicycle and Pedestrian Alliance to Designate  
Washington Road Shoulders as Bike Lanes

2010-R175 Supporting the New Jersey Department of  
Transportation's Complete Streets Policy for all  
Public Street Projects undertaken by the Township of  
West Windsor

Motion to approve 2010-R174 and 2010-R175: Morgan

Second: Borek

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

#### ADMINISTRATIVE UPDATE

Mr. Hary urged Council to work on a solution for the Arts Council lease. He asked for a closed session discussion.

#### ADDITIONAL PUBLIC COMMENT

Mr. Jerry Foster, Member of the Bicycle and Pedestrian Alliance, spoke about other areas in the Township for promoting environmental friendliness.

Ms. Heidi Kleinman, 131 South Mill Lane, recommended the use of the Police building roof for the placement of solar panels.

Ms. Ruth Potts, 11 Penn Lyle Road, advised that the potential date for the Grand Opening of the West Windsor Arts Council Building will be on September 25, 2010. She noted the need for the lease to be resolved so that the Arts Council can move forward with the planning of the Grand Opening.

Ms. Alison Miller, 41 Windsor Drive, advised that the Arts Council building was intended to be used for catering services. She strongly suggested that the building be used for the enjoyment of the arts.

Ms. Beth Feehan, 129 Clarksville Road, acknowledged her profound thanks for the Township's support in the creation of the Farmers' Market.

Mr. Alvin Lerner, 67 Rainflower Lane, noted that Bristol Myers is setting land aside for the placement of solar panels. He suggested using the old Wyeth property for the placement of solar panels for the use of solar energy for the Township.

Mr. Voytek Trela, 70 Bear Brook Road, thanked Council for pulling the Walden Woods resolution for further consideration.

Mr. Bob Akens, 32 Windsor Drive, noted that the Township taxpayers should not be funding the expenses of the Arts Council building.

CLOSED SESSION

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 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 purpose of discussion of the Art Council lease.

Motion to go into closed session at 9:00 p.m.: GeEVERS

Second: Morgan

VV: All ayes

MEETING RECONVENED

The Business Session reconvened at 10:15 p.m.

Continued Discussions of the West Windsor Arts Council Lease -  
Resolution 2010-R166

Mr. Morgan outlined the proposal as discussed which would begin in January 2011. He noted that the Arts Council would pay \$250 a month for the first two years. As of the third year the rent would increase to \$500 a month and in the fourth year there would be a 10% increase per year for the rent and would increase 10% per year through the end of the lease.

Members of the Arts Council present in the open meeting noted some concerns with the precedent of a 10% increase in rent per year. They suggested that the last two years of the lease be reduced to a 5% increase.

Council was amenable to the suggestion.

Motion to authorize the Business Administrator to conclude negotiations of the Arts Council lease and a resolution would then be on the next Business Agenda for approval: Borek

Second: Morgan

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

Mr. Hary advised that he would speak to representatives of the West Windsor Arts Council to finish the negotiations and have the lease agreement on the agenda for the August 2<sup>nd</sup> Business Session.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Borek

VV: All approved

The meeting was adjourned at 10:26 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township