

APPROVED AS AMENDED: May 3, 2010

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
MARCH 1, 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: Geevers; Council: Ciccone, Khanna, 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

Ms. Amy Chanson, 2 Columbia Place, shared her knowledge of the process for the Cell Tower Ordinance; she felt the ordinance was in favor of cell phone companies. Ms. Chanson gave Council additional signatures of residents who signed the petition against the ordinance.

Ms. Jane Lifset, 22 Woodbury Court, asked Council not to introduce the proposed Cell Tower Ordinance.

Mr. William Andersen, 22 Woodbury Court, advised Council not to introduce the Cell Tower Ordinance. He elaborated on his reasons for not wanting the ordinance adopted.

Mr. Andrew Hersh, 5 Halstead Place, spoke about prioritizing projects such as Route 571 and the transit village. He voiced his concerns about the economic impact it will have on the budget. He urged the Mayor to listen to the Council's requests.

Ms. Alice Maniere, 2 Auburn Place, noted her concerns about the Cell Tower Ordinance and asked that it not be introduced.

Mr. Frank Bal, 14 Stanford Place, listed the dangers of living near a cell tower.

Mr. George Martch, 30 Woodhollow Road, advised of the 50<sup>th</sup> anniversary of weather satellites.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

State of the Township Address

Mayor Hsueh presented his ninth State of the Township Address and outlined 2009 accomplishments and spoke of the goals for 2010. He previewed a video about West Windsor Township and thanked his family for their support. He recognized five residents who have volunteered their time and talents to West Windsor: Mr. Marvin Gardner, for his involvement with the Township Planning Board; Mr. Patrick Boyle, for his activity with recreation in the community; Mr. Andy Lupo, for his leadership in the Little League community; Mr. Bob Lowe for his involvement with the Senior Center; and Jake Fine who raised money to help find a cure for juvenile diabetes. All five were presented with a plaque in appreciation for their service to the community.

COUNCIL MEMBER COMMENTS

Mr. Morgan spoke of the need to develop a plan for improving the Ellsworth Center and the ACME Shopping Center. He also spoke about the issues concerning the transit village and how to move the project forward. Mr. Morgan mentioned the InterCap lawsuit and eminent domain.

Mr. Herbert interrupted Mr. Morgan and told him that it was not appropriate to discuss litigation.

Mr. Morgan spoke of the AAA bond rating and the cost to each taxpayer. He mentioned the need for better attorney representation and spoke briefly of the lawsuit against Mayor Hsueh.

Mr. Khanna congratulated the students who assisted in creating the West Windsor Township video and thanked the Mayor for his State of the Township Address. He applauded Jack Fine for his fundraising campaign to find a cure for juvenile diabetes. Mr. Khanna noted that the lawsuit filed against Mayor Hsueh by Mr. Morgan is unnecessary, and recommended that Council wait for Administration to present Council with a budget.

Ms. Ciccone acknowledged that everyone has a right to file an action but found it a distraction to the work that needs to be done. She commended the volunteers of the community and feels that the West Windsor Township video promotes the town and can assist in increasing its ratables.

Ms. Geevers thanked the students for their assistance in creating the West Windsor Township video that was presented during the Mayor's State of the Township Address. She noted that volunteers are the backbone of the community. Ms. Geevers stated that ADA issues are being reviewed and the Township is looking for grant funding to assist with the renovations. She also commented that the lawsuit filed against Mayor Hsueh by Councilman Charles Morgan is a distraction and these issues must be worked through.

Mayor Hsueh reported meeting with the School Board Superintendent and reviewed possible shared services. He advised that Administration would provide the most responsible budget along with a list of items that can be reduced to a zero-based budget.

#### CHAIR/CLERK COMMENTS

Mr. Borek noted that the goal of the Council members and Administration should be focusing on the Township budget and to work collectively to achieve a common goal.

PUBLIC HEARINGS

2010-04     AN ORDINANCE ESTABLISHING THE WEST WINDSOR TOWNSHIP  
MUNICIPAL ELECTIONS ON THE SAME DAY AS NOVEMBER  
GENERAL ELECTIONS HELD AND EXTENDING THE TERMS OF  
OFFICE FOR THE EXISTING MAYOR AND COUNCIL MEMBERS

President Borek opened the public hearing.

Mr. Andrew Hersh, 5 Halstead Place, supported this ordinance and felt that it was a good idea.

Motion to close public hearing: Morgan

Second: Geever

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

Motion to adopt: Morgan

Second: Geever

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

Mr. Borek acknowledged that West Windsor Township is the first Township to adopt this ordinance.

2010-05      CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR PUBLIC  
LAND MAINTENANCE AND OTHER RELATED EXPENSES IN OR FOR  
THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE  
OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$200,000.00

President Borek opened the public hearing.

Mr. Andrew Hersh, 5 Halstead Place, questioned what the \$200,000 was being utilized for.

Mr. Hary stated that Ordinance 2010-05 was a fully funded project out of the Open Space Trust Account and that the Township received a very favorable bid from a company that will do the Open Space Maintenance for a lot less than 2009.

Motion to close public hearing: Morgan

Second: Ciccone

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

Resolutions

2010-R055 Refunds for Overpaid Sewer Rent

2010-R056 Refund for Overpaid Property Taxes

Minutes

January 11, 2010 - Business Session

January 19, 2010 - Business Session

February 1, 2010 - Agenda Session

Bills & Claims

Motion to approve consent agenda as amended: Geevers

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

ITEMS REMOVED FROM CONSENT AGENDA

2010-R057 Authorizing the Appointment of Jeffrey I. Rubin as the  
Township Prosecutor for a Term of One Year

Mr. Morgan inquired as to how Mr. Rubin was selected as Township Prosecutor.

Mr. Hary outlined the interview process and explained that he, Mr. Herbert and Ms. Ciccone were on the committee to perform the interviews of the candidates, and the Mayor made the final decision.

Ms. Ciccone noted that five candidates were interviewed and the committee made three recommendations to the Mayor. Chief Pica and Judge Brennan also had input in the decision.

2010-R062 Authorizing the Appointment of Renee Lamarre-Summers,  
Esquire as an Alternate/Substitute Township Prosecutor  
for a Term of One Year

2010-R063 Authorizing the Appointment of Reema Sethi Kareer,  
Esquire as an Alternate/Substitute Township Prosecutor  
for a Term of One Year

Motion to approve Resolutions 2010-R057, 2010-R062 and 2010-R063: Morgan  
Second: Ciccone  
RCV: aye Ciccone  
aye Geevers  
aye Khanna  
aye Morgan  
aye Borek

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2010-R058 Authorizing the Mayor and Clerk to Execute a Second One-Year Extension of the Contract with Princeton Air Conditioning, Inc. for Maintenance and Service of the Heating, Ventilation and Air Conditioning for the Various Township Buildings

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

COMMUNITY DEVELOPMENT

2010-R060 Denying the Request by Edgewood Properties for Reduction of the Performance Guarantees Associated with WWM Properties-Retail Village Center - PB03-10

PUBLIC WORKS

2010-R061 Authorizing Utilization of the Rock Salt Bid Submitted by International Salt Company, LLC to the Mercer County Cooperative Contract Purchasing System

Motion to approve Resolutions 2010-R060 and 2010-R061: Ciccone  
Second: Khanna  
RCV: aye Ciccone  
aye Geevers  
aye Khanna  
aye Morgan  
aye Borek

AGENDA AMENDED

Motion to add resolution 2010-R064 to the agenda under "LAW":  
Ciccone  
Second: Khanna  
RCV: aye Ciccone  
aye Geevers  
aye Khanna  
aye Morgan  
aye Borek

2010-R059 Authorizing the Mayor and Clerk to Execute an  
Amendment to the Existing Professional Services  
Agreement with Fett & Foran Architects for  
Architectural Services for the Project Known as the  
Former Princeton Junction Firehouse - Phase I

Ms. Geevers questioned if the funding for this project is only to bring the building up to code and inquired about the extra cost.

Mr. Hary explained the extra cost is for the architect to ensure the building is built to code.

Mr. Morgan inquired as to what would happen if the bill is not approved.

Mr. Hary explained that they would have to release the architect and place the supervision of this project under the Township Engineering staff.

Mr. Morgan noted that it would be ill-advised not to pass this resolution.

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

LAW

2010-R064 Appointment of Steven Secare of Secare, Ryan & Hensel  
as Special Counsel to handle litigation

Mr. Morgan inquired as to whether he would be allowed to vote on this resolution due to his involvement in the litigation, and if the Mayor is signing the agreement.

Mr. Herbert advised that Mr. Morgan cannot vote and Mr. Hary will sign the agreement.

Mr. Morgan questioned why Council was put in a position of approving work that has already been done prior to awarding the contract. He noted that if the Mayor had responded with a simple report the lawsuit could have been avoided and recommended that the Mayor pay for his own expenses.

Ms. Ciccone noted that the Mayor is being sued in the scope of his employment and has a right to legal counsel.

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

INTRODUCTION OF ORDINANCES

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"

Mr. Morgan inquired about residents being billed and the issue of potential insurance fraud.

Mr. Herbert explained that there will be no balance billing for Township residents.

Mr. Morgan advised Council and Administration to be careful that this issue does not turn into litigation and asked that the introduction of this ordinance be deferred so that he can share the research he has done. Mr. Morgan suggested the cure for this issue would be to add a full disclosure on the claim forms.

Mr. Herbert clarified the provision regarding a Township that owns and operates its own ambulance service, and the theory that residents are already paying real estate taxes for this service.

Mr. Hary advised that a professional third party company will handle documentation preparation.

Mr. Herbert suggested introducing the ordinance and he will address questions and concerns.

Mr. Morgan suggested some additional language changes.

Mr. Borek suggested introducing Ordinance 2010-06 without any language changes.

Motion to introduce: Khanna

Second: Geevers

RCV: NAY Ciccone

aye Geevers

aye Khanna

NAY Morgan

aye Borek

Public Hearing is scheduled for the April 6, 2010 Business Session.

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

Mr. Herbert noted that the Planning Board and the Planning Board's Attorney, Mr. Gerry Muller, prepared the ordinance and there will be no new cell towers constructed but will continue to permit wireless communication facilities on existing towers. The amendments tighten the standards.

Mr. Morgan advised that issues with this ordinance still need to be understood and reviewed. He noted that every constituency was opposed to the current wording. He stated that he is concerned that they have got into the business of railroading things through regardless of the residents. He requested a two week deferral to craft changes that would be accepted by both residents and the Wireless industry.

Ms. Geevers stated that this ordinance is not being railroaded through; it has been thoroughly reviewed by the Planning Board and the entire process has cost the Township more than \$20,000. She noted that only a handful of residents have attended Planning Board meetings when this ordinance was discussed.

Ms. Ciccone asked for confirmation that co-location is a policy decision that Council makes, and Council is directed by the Planning Board and they provide recommendations.

Mr. Herbert advised that if any changes are made then it would have to go back to the Planning Board and noted that comparisons have been made with West Windsor Township and Princeton's cell tower ordinance.

Ms. Ciccone noted that Mr. Surtees and Mr. Muller were capable of handling any questions at the public hearing.

Motion to introduce: Khanna

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Khanna

NAY Morgan

aye Borek

Public Hearing is scheduled for the April 6, 2010 Business Session.

#### COUNCIL REPORTS/COMMENTS

Mr. Morgan advised that the Boy Scouts of America celebrated their 100<sup>th</sup> Anniversary and he had the privilege of handing out the Arrow of Light awards to the Boy Scouts.

Ms. Geevers advised that the WW-P School Board voted to put out an Invitation for Bid for the outsourcing of custodians and building and grounds maintenance and management workers. She noted that the School Board is also reviewing budget numbers and there is an anticipated 15% state aid cut. Ms. Geevers attended the Parking Authority meeting on February 10<sup>th</sup> and noted that the Parking Authority is continuing to work with the Township and New Jersey Transit in regards to the construction of a parking garage.

Mr. Borek commented on the budget process and noted that Administration is following State guidelines.

ADDITIONAL PUBLIC COMMENT

Mr. Frank Bal, 14 Stanford Place, commented on the Cell Tower Ordinance which was introduced tonight and felt that the language was intrusive. He also supported the Council and Mayor, and felt that it was unproductive the way they bicker amongst one another.

Mr. Rustom Bhojti, 5 Park Hill Terrace, spoke against the arguing amongst the Council and Mayor.

Ms. Amy Chanson, 2 Columbia Place, suggested a roundtable discussion between the residents, Township officials, and vendors to reach a compromise.

Mr. Andrew Hersh, 5 Halstead Place, noted that Ms. Ciccone was doing a good job and that he was upset that people speak out publicly during a meeting if there are varying opinions.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

The meeting was adjourned at 10.00 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township