

APPROVED AS AMENDED: June 11, 2012

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
April 30, 2012

CALL TO ORDER: President Khanna 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 January 6, 2012.

ATTENDEES: President: Khanna; Vice President: Geevers; Council Members: Borek, Maher, Samonte; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert Jr.; Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Recognizing Girl Scouts of the United States of America, Central and Southern New Jersey, and West Windsor on the 100th Anniversary of the Girl Scout Movement (2012-R109)

President Khanna read the resolution into the record.

Motion to approve: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

West Windsor Arts Center Presentation

Ms. Lisa Weil, President of the West Windsor Arts Council, gave a presentation about the Arts Center which included accomplishments over the past year, and listed goals for the future. She outlined the various programs available and spoke about the increase in membership at the Center.

Mr. Eduardo Garcia, Executive Director, spoke of the many activities, events and programs the West Windsor Arts Center has to offer. He thanked Council, the Mayor, and Administration for their support.

Council thanked Ms. Weil for the presentation and thanked the volunteers that make the Arts Center a first rate production.

PUBLIC COMMENT

Ms. Debbie Hepler, 10 Dean Court, spoke about the budget hearing, Robert's Rules, and asked the community to remember which Council Members wanted to lower taxes at the next Municipal Election.

Mr. William Andersen, 22 Woodbury Court, asked Council to support the Senior Center by submitting a recipe for their cookbook being produced.

Ms. Christine Bator, 6 Wheatston Court, thanked Ms. Geever and Mr. Maher for the countless hours spent reviewing the budget and for attempting to make greater reductions.

Mr. Pete Weale, 144 Fisher Place, spoke about the solar fields and addressed other concerns.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary commented on the following topics:

- Arbor Day this upcoming weekend
- Farmers' Market opening
- BikeFest on 5/26
- JCCC Project: Grand Opening in September of 2012
- DEP: Urges water conservation

Mayor Hsueh spoke about the current drought situation and also urged water conservation.

COUNCIL MEMBER COMMENTS

Ms. Samonte thanked the Girl Scouts and their leaders for attending the Council meeting, and urged support for the New Jersey Employer Guard and Reserve with their Employment Initiative Program 2012.

Mr. Borek spoke about the danger of cyclists riding along Clarksville Road and asked that the County address this issue.

Mr. Maher commented on the complaints he is receiving on the time it takes to receive a permit from the Construction Division.

Ms. Geevers suggested that Council review the sign ordinance since concerns or issues have come up from time to time at Council meetings. She requested that the ordinance be placed on the next agenda for discussion.

Mayor Hsueh advised that amendments to the sign ordinance are in the process of being reviewed by the sub-committee to provide to the Planning Board.

Ms. Samonte suggested that Council allow Planning Board time to review the ordinance and provide findings to the Council.

Mayor Hsueh advised that he will make the review of the ordinance a priority for Planning Board.

Ms. Geevers suggested providing the ordinance to Council to allow them to also provide suggestions to the Planning Board.

CONSENT AGENDA

RESOLUTIONS

2012-R110 Approving the Appointment of Meg Chicco as Member of the Zoning Board of Adjustment to fill the Unexpired Term through December 31, 2013

- 2012-R111 Approving the Appointment of Alice Ng as Alternate I Member of the Zoning Board of Adjustment to fill the Unexpired Term to through December 31, 2013
- 2012-R113 Refund of Overpaid Property Taxes
- 2012-R114 Granting the Release of Bond Posted for Street Opening Permit No. 2012-01 - 24 Lakeshore Drive
- 2012-R115 Granting the Release of Bond Posted for Street Opening Permit No. 2012-04 - 22 Indian Run
- 2012-R116 Urging the State Legislature to Approve A-2454 which would Alter Eligibility Requirements for Unemployment Insurance for Seasonal Public Entity Workers

MINUTES

March 12, 2012 Business Session - as amended

Motion to approve the consent agenda as amended: Borek

Second: Maher

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

ITEMS REMOVED FROM THE CONSENT AGENDA

- 2012-R112 Approving the Appointment of Fu-Grand Lin as Alternate II Member of the Zoning Board of Adjustment to fill the Unexpired Term through December 31, 2012

Mr. Maher explained that seven individuals submitted volunteer forms for this position. He wanted to know why there was no discussion amongst Council on this selection. Mr. Maher advised that discussion needs to happen before a resolution such as this appears on an agenda.

Ms. Samonte agreed that Council needs to discuss this issue and have a general consensus.

Resolution 2012-R112 was deferred until the May 14, 2012 Business Session.

BILLS & CLAIMS

Mr. Maher addressed concerns with the mileage and cell phone reimbursements listed on the Bills and Claims. He asked Administration to provide him with a list of who is submitting for reimbursements and the policy pertaining to mileage and cell phone reimbursements. Mr. Maher also advised that tuition reimbursement is a concern. He noted that a Police Officer is taking non-work related classes at an out-of-state college and submitting the tuition for these classes for reimbursement. Mr. Maher urged change in the future on the negotiations of Union contracts.

Motion to approve the Bills and Claims: Borek

Second: Maher

RCV: aye Borek

aye Geever

aye Maher

aye Samonte

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2012-R117 Supporting A-2717 Extending the Time Period for Municipalities to Commit to Expend Collected Development Fees and Payments-in-lieu of Constructing Affordable Housing

2012-R118 Authorizing the Mayor and Clerk to Execute an Agreement with Princeton Township, Mercer County, the State of NJ, and Princeton HealthCare System for Installation and Maintenance of the Emergency Pre-Emption Equipment at the Traffic Signal at Route 1 and Harrison Street

2012-R119 Authorizing the Mayor and Clerk to Execute Agreements with Various Condominium Associations for Reimbursement of Snow Removal Costs for 2009 and 2010-\$6,461.66

2012-R120 Authorizing the Mayor and Clerk to Sign a Memorandum of Understanding with the City of Trenton for Public Health Nurse Case Management Services for Childhood Lead Poisoning

2012-R121 Authorizing the Mayor and Clerk to Execute a Contract with Down to Earth Landscaping Inc. for Duck Pond Park Pond Edge Planting-\$35,430

2012-R122 Authorizing the Mayor and Clerk to Execute a Release of Easement and Sanitary Sewer Easement Agreement with West Windsor Gardens I

2012-R123 Authorizing the Repair or Replacement of the Transmission for the 2000 CASE 621 C Loader E-36 by Trico Equipment Services for Department of Public Works-\$21,295

Motion to approve resolutions 2012-R117 through 2012-R123: Borek
Second: Samonte

RCV: aye Borek
aye Geevers
aye Maher
aye Samonte
aye Khanna

INTRODUCTION OF ORDINANCES

2012-05 AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THEREOF-Emergency Services Specialists and Lieutenants

Motion to introduce: Samonte

Second: Geevers

RCV: Borek, abstained

aye Geevers

aye Maher

aye Samonte

aye Khanna

The Public Hearing will be held on May 14, 2012.

2012-06 AN ORDINANCE AUTHORIZING THE SALE BY OPEN PUBLIC SALE
THROUGH AUCTION FOR AN EASEMENT IN CERTAIN REAL
PROPERTY OWNED BY WEST WINDSOR TOWNSHIP KNOWN AS BLOCK
24.16 LOT 2 ON THE TAX MAP OF WEST WINDSOR TOWNSHIP
BEING LOCATED ON GARNET LANE, WEST WINDSOR TOWNSHIP,
NEW JERSEY

Motion to introduce: Borek

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

The Public Hearing will be held on May 14, 2012.

DISCUSSION TOPICS

Mercer County Community College Solar Farm

Ms. Christine Bator, 6 Wheatston Court, advised that she is a big believer in energy options but not at any price. She listed her concerns.

Mr. Jim Vizzoni, 392 South Post Road, noted that solar farms have many aspects that are not favorable. He listed them and advised of the historical aspect of the land where the solar panels are to be placed.

Ms. Sandra Donovan, 20 Sapphire Drive, advised that the Mayor's letter to the MCCC should have been sent ten to twelve months ago. She also noted that the financials to support the project should be stronger.

Mr. Jon Mendoza, 336 South Post Road, advised that solar farms will impact the way of life in that area of the community. He outlined his concerns including flooding, and water absorption.

Ms. Teresa Lourenco, 408 South Post Road, spoke about the responsibility of Mercer County Community College. She provided an outline of events and listed numerous times she tried to reach out to the College for information.

Ms. Nicole Miller, 428 South Post Road, spoke about the financials of the project and the debt service schedule for the bonds to be issued.

Mr. Matthew Jacobson, 424 South Post Road, spoke about the solar farm project and the lack of response to the residents' concerns from the College.

Ms. Janet Mariano, 384 South Post Road, addressed concerns with the destruction of the land and the impact of the solar farm on the neighboring residents.

Mr. Rich Michal, representing his mother at 364 South Post Road, spoke about the issues he is facing with the ninety-four solar panels he currently has on his own property.

Ms. Marilyn Stoddard, 404 South Post Road, asked for Council's support in getting answers from the College about the solar farm project.

Mr. Jim Stoddard, 404 South Post Road, noted that he is not opposed to green energy. He advised that the College is ignoring the residents' concerns.

Mr. Richard Campbell, 388 South Post Road, spoke about the residents being uninformed and not made part of the process. He suggested that the project be halted until the residents' concerns can be addressed.

Mr. Borek noted that with this project, "home rule" was taken away from the Township. He advised that the Legislators need to work on putting together legislation concerning solar farms and "home rule" to allow local municipalities to have the opportunity to review solar farm projects.

Mr. Maher commended residents for reaching out to Council and providing information about the financials and informing them of the issues. He noted that Mercer County Community College has been disregarding the residents' concerns. Mr. Maher wanted the names of the proponents of this project from both the College and at the County. Mr. Maher urged both to have the project make financial sense and better planning for the placement of the panels.

Ms. Samonte acknowledged the residents' concerns with groundwater and suggested that a review be done by the Township Health Department in coordination with DEP. She suggested that the College provide another courtesy review for the residents to allow their concerns to be addressed. Ms. Samonte urged Council to work on an ordinance to protect the Township's land and its residents from future issues like the one the Township is currently facing.

Ms. Geevers urged the College to allow the Township Planning Board to review the project. She noted that land use is a critical issue and concerns should be vented and reviewed thoroughly. Ms. Geevers asked Council to make a formal request to MCCC/county officials for a courtesy review hearing before the West Windsor Planning Board in order to have greater scrutiny of the proposed solar farm project and possible recommendations.

Mayor Hsueh advised that he met with the MCCC representatives in April and it was the first time he realized that the Township residents do not have all the information. He noted that he is pursuing another meeting with the College to address all the residents' concerns.

Mr. Herbert advised that Capital Programs are not required to have local township review. He explained that the Township can only request that the sponsor of the project provide an assessment. Mr. Herbert reviewed several court cases and

legislation to educate the residents of the issues Council faces.

Mr. Hary provided an overview about the water contamination of South Post Road and advised that the Township is working with DEP. He explained that public water needs to be provided to that area to remedy the issue. Mr. Hary offered financial suggestions on how to get water and sewer to the homes in that area.

Mr. Maher asked Administration to provide minutes from the County Planning Board meetings and the names and titles of all the proponents of this project. He commented that the Township needs to hold these individuals accountable.

Ms. Samonte advised that a courtesy review by the College is a starting point.

Mr. Hary suggested that a draft letter be created to send to the College and to the County.

Mayor Hsueh suggested that Council approve a resolution.

Mr. Herbert suggested wording for the resolution and recommended that a cover letter be addressed from the Mayor.

2012-R124 Resolution by the Township of West Windsor Council
Requesting that the Mercer County Community College
and the Mercer County Improvement Authority Provide A
Courtesy Review Presentation to the West Windsor
Township Planning Board for the Proposed Solar
Facility to be Located next to the Mercer County
Community College on Approximately 45 Acres of Land

Motion to approve: Geevers

Second: Maher

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

COUNCIL REPORTS

Ms. Samonte outlined projects before the Planning Board for review.

ADMINISTRATIVE UPDATES

Mr. Hary advised that a Capital Ordinance will be coming before Council for review. He noted that the Police Division would also like to speak to Council about an ordinance they are drafting.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, asked if the Township was advised of the County Planning Board meeting at which the solar farms were discussed. He also inquired about meeting for the discussion of flooding within the Township.

Mr. Hary advised that RFPs were sent out to vendors for a comprehensive review of the Little Bear Brook watershed and to provide a stormwater flooding study.

ADJOURNMENT

Motion to adjourn: Borek
Second: Samonte
VV: All approved.

The meeting was adjourned at 10:16 p.m.

Sharon L. Young
Township Clerk
West Windsor Township