

APPROVED: July 9, 2012

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
May 14, 2012

CALL TO ORDER: President Khanna called the meeting to order at 7:03 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.; Deputy Township Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

President Khanna requested that the Mayor/Administrator comments be moved forward on the agenda.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh distributed a handout to members of Council outlining the Township's involvement regarding the Solar Farm Project at Mercer County Community College.

Mr. Herbert reviewed the information about the Solar Farm Project and advised that because the property is owned by the County of Mercer the Township has no jurisdiction over what is placed on the property and can only request a courtesy review. He outlined the various County and State agencies that have reviewed and approved the project to move forward.

Mayor Hsueh advised that he had not been aware of the details regarding the site and the scale of the project, and that he did not become involved until the residents contacted him with their concerns. He noted that once he was aware of the specifics of the project he scheduled a meeting with the various groups. Mayor Hsueh noted that he was able to have Mr. Dobromilsky, the Township's Landscape Architect, included in the professionals working on the project. He reviewed the various meetings that he has had with State and County officials regarding this project to date. Mayor Hsueh advised that a letter was sent from his office to Mercer County Community College voicing the concerns of the residents and the Township regarding the Solar Farm Project.

Mr. Dobromilsky outlined the discussions of the May 4th meeting which the neighbors' concerns were discussed. He noted that modifications to the original plan have been received from the Department of Environmental Protection and include the removal of fewer trees from the property, and solar panels located near the residential area have been removed or moved, as part of their approval. Mr. Dobromilsky advised that screening options to hide the view of the panels was also discussed and that once the various options have been reviewed they will be presented to the residents.

Mr. Maher advised that he and Ms. Geever attended the Mercer County Board of Chosen Freeholders meeting along with residents of the South Post Road area and noted that the Freeholders were gracious enough to listen to their concerns. He advised that the College is cooperating now since everyone got involved, but they need to communicate with the Township especially since it is the host community. Mr. Maher voiced his concerns about the fiscal impacts this project could have on all residents of Mercer County and asked to have someone review the financials involving this project. He suggested to residents that if something is happening in their neighborhood to get involved and call Council and the Mayor.

Ms. Samonte advised that the residents did a great job, and she encouraged fostering this effort of working together. She reviewed the minutes from the Board of Chosen Freeholders meeting where the solar farm was discussed.

Mr. Borek thanked the residents for bringing this matter to the Council's attention and thanked the County officials for listening to the residents' concerns. He advised that he was optimistic that some of the issues can be addressed going forward and noted that legislation needs to be put in place whereby this type of matter should have to come before the municipality for review.

Ms. Geever's suggested that a list of what worked and what did not work through this process should be put in writing so that the Legislature can amend the State Statutes and ensure this type of problem does not arise again. She noted there should have been some form of communication with the residents. Ms. Geever's noted that at the last Council meeting a resolution was approved requesting Mercer County Community College and the MCIA present themselves to the Planning Board for a courtesy review. She advised she is still waiting for a response.

Mayor Hsueh advised that he spoke with County Executive Brian Hughes who informed him that he would be talking with the President of the Mercer County Community College to set up a meeting for residents and Township officials to discuss the solar project.

Ms. Geever's advised that she is pleased that Mr. Dobromilsky is working on the project and inquired if Administration has considered having his fees covered by the College.

Mayor Hsueh advised that he will request that Mr. Dobromilsky's fees be reimbursed to the Township.

President Khanna acknowledged the residents who brought this issue to the Council in such an organized way. He inquired about getting the financial impact reviewed to determine if the project is financially sound.

Mr. Maher advised that the Township just received the original presentation given to the Board of Chosen Freeholders in

February 2011. He noted that the solar company has to demonstrate to the residents of Mercer County that this project is still financially feasible prior to starting the project.

PUBLIC COMMENT

Mr. Jim Solloway, 5 Monroe Drive, addressed the solar project at Mercer County Community College and thanked Mr. Maher and Ms. Geever along with the residents who have been spearheading making the public aware of the project.

Mr. John Church, 11 Princeton Place, noted his disappointment on how the County has handled this project from the beginning.

Mr. Pete Weale, 144 Fisher Place, noted that in his opinion this project has been flawed from the beginning and inquired as to whether Mr. Herbert had a conflict of interest since he also represents the Mercer County Board of Chosen Freeholders.

Mr. Herbert advised that there is no conflict of interest.

Ms. Toby Shor, 39 Grande Blvd. and Treasurer of the Village Grande at Bear Creek Homeowners' Association, spoke in reference to the premature release of funds to the developer D.R. Horton. She advised that there are still outstanding issues with driveway aprons for which these funds would have been used and that the Township is responsible for resolving this matter.

Mr. Gary Weisser, 21 Globeflower Lane, advised that the issue of the premature release of funds needs to be addressed along with the driveway apron repairs needed.

Mr. Sal Astarita, 78 Rainflower Lane, spoke regarding the driveway apron repairs and asked the Township to make the necessary repairs.

Ms. Ellie Gardner, 61 Coneflower Lane, Vice President of the Village Grande at Bear Creek Homeowners' Association, asked for assistance in having the matter involving the repairs of driveway aprons and the release of funds resolved.

Ms. Debbie Hepler, 10 Dean Court, advised she has been attending meetings for the past several months and in her view there is a

lack of management by Administration. She requested that someone review the millings at the R.J. Ward Little Fields.

Ms. Kim White, 54 Montgomery Street, inquired why it is necessary for the Township to adopt Ordinance 2012-05, and Resolution 2012-R136.

Mr. Pete Weale, 144 Fisher Place, voiced his concerns on several issues including Resolution 2012-R135 for the expenditure of \$60,000 for the demolition of structures at the Grover Farmstead.

MAYOR COMMENTS

Mayor Hsueh announced that Princeton Health Care Systems will be opening the new hospital in Plainsboro next week. He announced the Township's Annual Memorial Day Parade and Ceremony to be held on Monday, May 28th at 11:00 a.m. and that the Township's Annual Bike Festival will be held on Saturday, May 26th.

Mr. Hary advised that his retirement is effective July 1st, 2012.

COUNCIL MEMBER COMMENTS

Mr. Maher advised the residents of Village Grande to keep in mind that their issues occurred prior to his and Ms. Samonte being on Council, and that hopefully he can get Administration to answer questions on this matter.

Mr. Borek advised that he would like an update from the Township Attorney on the Village Grande matter.

Mr. Herbert advised that a letter of understanding has been drafted; however there is mediation ongoing between the homeowners of Village Grande and the developer, D.R. Horton on other matters.

Ms. Ellie Gardner, 61 Coneflower Lane, advised that Council did not approve the release of these funds and noted that their litigation has nothing to do with the Township.

Mr. Marvin Gardner, 61 Coneflower Lane, noted that the Municipal Land Use Law is designed to protect the homeowners and that these funds were released inadvertently by the Township.

Mr. Hary advised that negotiations with D.R. Horton are going on as noted, the sink holes have been addressed, and the driveway aprons issue is still being worked out. He noted that this matter should be resolved in the next couple of months.

Mr. Herbert noted he should have an agreement with D.R. Horton to Council within the next two to three weeks.

Ms. Samonte requested that the Township Council ask Administration for a status and action plan for the Village Grande matter. She also inquired about what precautions have been taken to insure that this does not happen again. Ms. Samonte advised that she attended the opening of the new University Medical Center of Princeton at Plainsboro.

Ms. Geevers thanked the members of the Village Grande community for bringing this matter again to their attention. She advised that Council will review the material handed out. Ms. Geevers noted she also attended the opening of the University Medical Center of Princeton at Plainsboro.

Mayor Hsueh advised that procedures have been put in place so that this does not happen again. He asked that this matter be resolved as soon as possible with the developer.

President Khanna advised that he attended the opening of the University Medical Center of Princeton at Plainsboro.

Ms. Geevers thanked Mr. Hary for his many years of service to the Township and inquired about the process for selecting his replacement.

Mayor Hsueh advised that he would like to have one Council member as part of the selection team and that he will make the final recommendation.

Mr. Maher suggested that members of the financial community be involved in the interviewing process for a new Business Administrator.

Mayor Hsueh advised that at least one member of the selection committee for the new Business Administrator will be from the finance community.

President Khanna wished Mr. Hary good luck in his retirement.

PUBLIC HEARINGS

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

President Khanna opened the public hearing.

Motion to close the public hearing: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

Motion to adopt: Geevers

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

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

President Khanna opened the public hearing.

Motion to close the public hearing: Borek

Second: Samonte

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

Motion to adopt: Borek

Second: Geevers

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

CONSENT AGENDA

RESOLUTIONS

2012-R126 Approving the Request from DARE New Jersey Inc. for
Fireworks Display on June 2, 2012 (Rain Date June 3,
2012)

2012-R127 Refund of Overpaid Taxes

MINUTES

March 26, 2012 - Business Session - as amended

April 16, 2012 - Closed Session

Motion to approve consent agenda as amended: Borek

Second: Geevers

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

Mr. Borek requested that the Bills and Claims as well as Resolutions 2012-R112 and 2012-R125 be removed from the consent agenda.

ITEMS REMOVED FROM CONSENT AGENDA

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

Mr. Borek nominated Mr. Fu-Grand Lin to fill the unexpired term of Alternate II Member.

Motion to approve: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R125 Consenting to the Appointment of Jessica Kates Galatro to the Shade Tree Commission to Fill an Unexpired Term through December 31, 2014

BILLS & CLAIMS

Mr. Maher requested a list of individuals who receive reimbursements for car allowance and cell phones.

Mr. Hary advised that the travel allowance was reduced in the AFSCME Contract from \$250.00 per month to \$225.00 per month.

Mr. Borek inquired about Purchase Order #47082 which is charged to Miscellaneous Engineering for aerial photographs.

Mr. Hary noted that this is part of the stormwater study along the Little Bear Brook which needed to be done prior to the trees coming into bloom.

Motion to approve: Borek

Second: Geevers

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION AND COUNCIL/CLERK

2012-R128 Requesting Approval of the Insertion of State of New Jersey Clean Communities Program in the 2012 Budget-\$46,106.66

2012-R129 Requesting Approval of the Insertion of Click It or Ticket Grant in the 2012 Budget-\$4,000

2012-R130 Authorizing the Mayor and Clerk to Execute a Redeveloper's Agreement with CDNJ Plaza, LLC

2012-R131 Approving the Request from West Windsor Gardens LLC for a Reduction of Performance Guarantees Associated with West Windsor Gardens-Section 1 Landscape Improvements (PB05-03)

2012-R132 Approving the Request from West Windsor Gardens LLC for a Reduction of Performance Guarantees Associated with West Windsor Gardens-Sections II, V &VI Site Improvements (PB05-03II)

2012-R133 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Roberts Engineering Group, LLC for the New Village Road Resurfacing Project-\$41,000

2012-R136 Opposing Senate Bills S-1451 Open Public Meetings Act and S-1452 Open Public Records Act as Currently Drafted

Motion to approve resolutions: 2012-R128 through 2012-R133, and 2012-R136: Geevers

Second: Samonte

RCV: aye Borek

aye Geevers

aye Maher

aye Samonte

aye Khanna

2012-R134 Authorizing the Mayor and Clerk to Execute an
Amendment to a Professional Services Agreement with
Van Cleef Engineering Associates for Engineering
Services for the Penn Lyle Road Phase II Project-
\$12,000

Mr. Maher asked what the reason was for the increase in engineering fees for this project.

Mr. Hary advised that most of the costs associated with the first phase were paid for through a grant. He noted that additional work had to be done to reconfigure bike lanes and sidewalks.

Mr. Maher requested that this item be deferred pending additional information.

Mr. Hary noted he has no problem deferring this item until the next Council meeting.

Council requested that the item be pulled until the May 29th Council meeting.

2012-R135 Authorizing the Mayor and Clerk to Execute a Contract
with Robert T. Winzinger, Inc. For the Demolition of
the Township Owned Structures at the Grover Farmstead-
\$60,000

Ms. Samonte inquired about the structures on the property.

Mr. Hary provided a review of the site and advised that the demolition includes the farmhouse and several other buildings on the property.

Mr. Borek expressed his concern that Council was not kept appraised of the condition of the structures.

Ms. Samonte questioned whether there was any historical influence to save the house.

Mr. Hary advised that Administration has reviewed the structural integrity of the buildings and came to the conclusion it would cost too much to restore the facilities.

Mr. Maher asked why a study was not done, and Council provided with an update.

Council requested that this action be deferred until the next Council meeting.

Mr. Pete Weale, 144 Fisher Place, voiced his concerns on the matter of the Grover Farm.

INTRODUCTION OF ORDINANCES

2012-07 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$5,000

Motion to introduce: Borek

Second: Samonte

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

Public Hearing is scheduled for June 11, 2012.

2012-08 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$3,885,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,700,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Mr. Maher requested that all descriptions for equipment life projections be reviewed more closely next year.

Ms. Louth advised that these descriptions are prepared by McManimon and Scotland the Township's Bond Counsel.

Motion to introduce: Borek

Second: Maher

RCV: aye Borek

aye Geever

aye Maher

aye Samonte

aye Khanna

Public Hearing is scheduled for June 11, 2012.

2012-09 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR VARIOUS
CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR
FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER,
STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF
\$2,918,522.55

Mr. Maher advised that he does not support the proposed ordinance in its present form and that he disagrees with the funds from the sale of the liquor licenses being used for various municipal facility renovations.

Mr. Hary advised that these proposed renovations were discussed during the 2012 budget process and include the Municipal Building, Post Office, and Public Works Facility. He noted that in the current budget there is no provision for an architect to work on the plans for the upgrades to these facilities.

Mr. Maher noted he would be willing to appropriate funds for an architect's services to come up with a plan for the three facilities.

Ms. Louth advised that the funds are currently in an account for future approvals by Council to commit these funds.

Discussion ensued regarding the \$2,000,000 appropriation and what the plans are for the various facilities. Council requested that the ordinance be amended to reduce the \$2,000,000 to \$100,000 for an architect's services.

Motion to introduce as amended: Borek
Second: Maher
RCV: aye Borek
aye Geevers
aye Maher
aye Samonte
aye Khanna

Public Hearing is scheduled for June 11, 2012.

DISCUSSION TOPICS

DRAFT SIGN ORDINANCE DISCUSSION

Mr. Borek and Ms. Geevers will work on the sign ordinance with Mr. Surtees and come back to Council with a draft for review and discussion.

COUNCIL REPORTS

President Khanna advised that the Environmental Commission will provide an update on their current projects at a future Council Meeting.

ADMINISTRATION UPDATES

Mr. Hary advised he attended a meeting last week held at the West Windsor Library regarding Windsor Plaza. He advised that the developer gave an update on the project and that they plan to have new tenants by the Fall.

ADDITIONAL PUBLIC COMMENT

Ms. Jessica Galatro, 423 Clarksville Road, advised that some architecture firms will provide free estimates and that the Township could look into that for the municipal renovation projects.

Ms. Debbie Hepler, 10 Dean Court, advised that Grover Farm is part of the history and she thinks it is a disgrace not to preserve the Grover Farm.

Mr. Jonathan Word, 16 Eastern Drive, noted that he is against the destruction of the Grover Farm house and provided several suggestions on how to preserve this farmstead.

Mr. John Church, 11 Princeton Place, applauded the statement about free estimates by an architect especially in this day and age. He advised that he is glad to hear that the Township is working on the flooding issues along the Little Bear Brook and advised that the Township should look into the FEMA website for aerials of the area. Mr. Church also noted the need for field surveys.

ADJOURNMENT

Motion to adjourn: Maher
Second: Borek
VV: All ayes

The meeting was adjourned at 9:45 p.m.

Sharon L. Young
Township Clerk
West Windsor Township