

APPROVED: January 8, 2007

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
October 23, 2006

CALL TO ORDER: President GeEVERS 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 7, 2006.

ATTENDEES: President: GeEVERS; Vice President: Kleinman; Council: Gambatese, Morgan, Pfeifer; Mayor: Hsueh; Township Attorney Representative: Cayci; Director of Human Services: Hary; Zoning Board of Adjustment Attorney: Muller; Coordinator of Community Development: Ward; Township Engineer: Parvesse; Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Ms. Young read into the record Mr. David Serughetti's comments made in his letter dated October 23, 2006 regarding the Sarnoff South Driveway. Mr. Serughetti requested that the Council deny the proposal and suggested the following: installing more signs posting the speed limit on both Fairview Avenue and Fisher Place; enforce local speed limits; and limit traffic to and from the Sarnoff property to their existing Route 1 entrance opposite Harrison Street and off local roads. He noted that consideration of the Township's residents and their quality of life should always be first.

Mr. David Parris, 207 Washington Road, advised Council that there is a very valuable archeological site on the Sarnoff property and that the Township should review this site prior to Sarnoff proceeding with their development.

Mr. Hemi Nae, 11 Wycombe Way, advised that the resolution before Council does not include the New Jersey Department of Transportation's findings with regard to the Harrison Street intersection and suggested that Council not act on the resolution this evening. Mr. Nae advised that he received a letter from the Township regarding the placement of his leaves in the roadway and was not aware of the ordinance. Mr. Nae suggested that Council amend the ordinance to make these regulations exempt during the fall and that notification of the change should be made to all residents.

Ms. Sandra Shapiro, 15 Wycombe Way, advised that residents objected to the Sarnoff proposal in 2002 and Planning Board still approved it. She expressed her concerns regarding the light and asked who is paying for these improvements.

Mr. Guy Pierson, 241 Fisher Place, advised that residents are concerned that this temporary roadway will turn into a by-pass. He requested that the public be allowed to voice their concerns when the resolution is presented to Council.

Mr. Pete Weale, 144 Fisher Place, voiced his concerns with Council expediting the resolution this evening without taking into consideration the comments being presented this evening.

Ms. Valerie Servis, 114 Harris Road, agreed with what was being said this evening regarding the Sarnoff resolution and asked about police enforcement abilities for a private roadway; also Ms. Servis questioned who will be responsible for snow removal and road repairs.

Mr. David Siegel, 17 Berrien Avenue, noted that the residents of the Fisher Place area seem to have strong views on the relocation of the roadway and that such matters should be previously noted on the agenda. He encouraged Council to start videotaping or have live broadcasts for agenda sessions and urged Council to pass a resolution that all boards, such as the Planning Board, be televised.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary requested that a resolution requesting a Change Order for the contract with Green Construction Inc. be added to the agenda. He advised that this change order will be for the repair of Village Road West at a total cost not to exceed \$30,000.00

Motion to amend the agenda to add resolution 2006-R247: Morgan
Second: Pfeifer

RCV: aye Gambatese
aye Kleinman
aye Morgan
aye Pfeifer
aye Geevers

COUNCIL MEMBER COMMENTS

Mr. Gambatese requested that the resolutions regarding denials of requests for releases of performance guarantees for the Village Grande be acted on as one vote.

Motion to approve the Village Grande resolutions with one
action: Gambatese

Second: Kleinman

RCV: aye Gambatese
aye Kleinman
aye Morgan
aye Pfeifer
aye Geevers

Mr. Morgan requested that the bi-partisan resolution recently received by Council be placed on a future agenda for discussion and consideration. He also advised that the Cable TV Advisory Board is reviewing the pros and cons of taping of all board and committee meetings.

Ms. Kleinman inquired if anyone from the Township attended the Master Plan hearing in Lawrenceville.

Ms. Ward advised that she is unaware whether Mr. Surtees attended this meeting or not.

CHAIR/CLERK COMMENTS

President Geever advised that a Special Agenda Session has been scheduled for October 30th to continue the discussion of the roles and responsibilities for the redevelopment project. She also suggested the idea of a Steering Committee be discussed at that time as well.

Ms. Young advised that resolutions 2006-R225 through 2006-R227 have been amended to adjust the terms to December 31, 2007. She announced that Veterans' Day Ceremonies are scheduled for Saturday, November 11th, 2006 at 11:00 a.m. at the World War II Memorial in Dutch Neck and then at noon at the All Wars Memorial in front of the Municipal Building. Ms. Young reminded everyone that the General Election will be held on Tuesday, November 7th and that the Council Vacancy and Open Space Tax Referendum are both on the ballot. She also announced that the Clerk's Office is open Monday through Friday from 9:00 a.m. to 5:00 p.m. to assist the public.

CONSENT AGENDA

RESOLUTIONS

- 2006-R222 Application for Raffle License RL683 On-Premise 50/50 Raffle for Steinert Ice Hockey Booster Club
- 2006-R223 Application for Raffle License RL684 On-Premise Merchandise Raffle for Smocking Arts Guild of America Princeton Pleaters Chapter
- 2006-R224 Application for Raffle License RL685 Off-Premise Merchandise Raffle for the Congregation Beth Chaim
- 2006-R225 Advice and Consent of the Reappointment of Hassan Syed to the Human Relations Council for a two-year term to Expires December 31, 2007
- 2006-R226 Advice and Consent of the Reappointment of Brian Chartock to the Human Relations Council for a two-year term to Expires December 31, 2007

- 2006-R227 Advice and Consent of the Reappointment of Razia Sayed to the Human Relations Council for a two-year term to Expires December 31, 2007
- 2006-R228 Advice and Consent of Council for the Appointment of Kalyani Tallapragada to Serve as a Member of the Human Relations Council to Fill a Current Vacancy with the Term to Expire on December 31, 2007
- 2006-R229 Advice and Consent of Council for the Appointment of Suresh Mishra to Serve as a Member of the Human Relations Council to Fill a Current Vacancy with the Term to Expire on December 31, 2007
- 2006-R230 Advice and Consent of Council for the Appointment of Barbara Ingram-Edmonds to Serve as a Member of the Human Relations Council to Fill a Current Vacancy with Term to Expire on December 31, 2007
- 2006-R231 Authorizing the Mayor and Clerk to Execute an Easement Modification Agreement for the Construction of a Fence Across a Drainage Easement at 5 Shelley Court

Minutes

June 12, 2006 - Business Session (deferred from 10/11)
July 17, 2006 - Agenda Session
August 14, 2006 - Business Session - as amended

Bills & Claims

Motion to approve consent agenda as amended: Morgan

Second: Gambatese

RCV: aye Gambatese *

aye Kleinman **

aye Morgan

aye Pfeifer

aye GeEVERS

*Mr. Gambatese approved all the bills and claims, with the exception of Lowe's Home Improvement invoice.

**Ms. Kleinman approved the Consent Agenda, with the exception of Resolution 2006-R224.

Items Removed from Consent Agenda

President Geevers requested that the minutes for September 20, 2006 be pulled until the October 30, 2006 meeting.

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2006-R232 Authorizing the Mayor to Execute the Agreement with Metro Employees Assistance Services for Employee Assistance Programs Services

Mr. Hary advised that this resolution authorizes the Township to enter into an agreement with Metro Employee Assistance Services (MEAS) of Hamilton, New Jersey for employee assistance and psychological referral services. The total amount of this contract should not exceed \$3,600.00.

Motion to approve: Gambatese

Second: Pfeifer

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

COMMUNITY DEVELOPMENT

2006-R233 Supporting the Closure of Fisher Place at its Route One Intersection and the Construction of a Signal at the Sarnoff South Driveway

Mr. Parvesse advised Council that the reason Sarnoff is here this evening is that the New Jersey Department of Transportation has requested a resolution from the municipality endorsing the closing of Fisher Place and the relocation of the light and turn to the proposed South Driveway on the Sarnoff complex. Mr. Parvesse read part of the Resolution of Memorialization from the Planning Board approval.

Mayor Hsueh advised that the Department of Transportation will review the proposed improvements filed by Sarnoff and will then give their approval for the proposed improvements.

Mr. Muller advised that because Fisher Place is a Township road the Township must grant permission for the roadway to be closed permanently. He noted that during the Planning Board hearing the residents were in strong support to close the roadway and that Fairview Avenue will be an interim connection roadway until Phase Two is complete.

Ms. Kleinman advised that members of the public are concerned that the 2002 approval does not include the new findings of the 2004 EIS Study.

Mr. Parvesse advised that as part of the final approval from DOT the 2004 EIS decisions will be reviewed. He noted that this resolution is necessary to allow Sarnoff to move forward without the proposed Route One improvements cited in the EIS Study being done.

Mr. Muller advised that the floor area ration (far) has been reduced from 30% to 21% as a primary traffic reduction device.

Mr. Parvesse advised that snow plowing and police enforcement will be handled the same as for Nassau Park and are covered under Title 39 of the State Statutes.

President Geevers inquired if Township funding will be necessary for this project.

Mr. Parvesse advised that Sarnoff Corporation is responsible for funding these improvements.

Ms. Kleinman requested the number of Planning Board meetings where this application was discussed.

Mr. Muller advised that a total of seven meetings were held by various Township boards for review and approval of this application.

President Geevers requested that the resolution be amended to state that Sarnoff is responsible for all costs related to the Fisher Place closing and the new proposed South Driveway.

Mr. Morgan inquired what the next step is once this application has been approved by the New Jersey Department of Transportation.

Mr. Parvesse advised that Sarnoff would go back to the Planning Board for final site plan approval.

Ms. Kleinman requested that the public be awarded an opportunity to speak during this discussion.

Mr. Morgan advised that Council should hear the public's concerns regarding this matter.

Mr. Parvesse advised Council that a "no" vote would mean Sarnoff would go back to the Planning Board and not close Fisher Place and access would still be from Fairview Avenue to the new proposed South Driveway.

Mr. Morgan inquired why Council could not postpone the decision for a couple of more weeks to hear the residents' concerns or was time of the essence to act this evening.

Mr. Kevin Moore, Attorney for Sarnoff Corporation, advised that the Department of Transportation is waiting for the resolution to be received so that they can review the application presented by Sarnoff.

Mr. Gambatese and Mr. Morgan advised that they would like to defer the matter to another meeting.

Mr. Morgan asked Ms. Cayci whether this is a clerical matter and if this is the appropriate forum to approve this.

Ms. Cayci advised that the Mayor and Administration supports the concept of the closure of Fisher Place and the moving of traffic signals along Route One.

Motion to amend the resolution to include President Geever's
recommendations: Pfeifer

Second: Kleinman

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geever

Mr. Morgan requested an additional amendment to the resolution
that residents be contacted earlier than the MLUL requirement.

After a brief discussion among members of Council and Mr. Muller
it was agreed that notice would be given to the residents at
least twenty days in advance.

Motion to amend resolution to reflect the twenty-day notice:

Morgan

Second: Gambatese

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geever

Motion to approve resolution 2006-R233 as amended: Kleinman

Second: Pfeifer

RCV: NAY Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geever

(Ms. Young wants the minutes to reflect the public's concern
that the decisions made by the Planning Board in 2002 and 2004
would be followed to the letter of the law.)

2006-R234 Authorizing Change Order No.1 for Final Quantities Adjustment and Project Closeout to DeFino Contracting Company for the Project Known as 2005 Road Improvement Program

Motion to approve: Gambatese

Second: Pfeifer

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

2006-R235 Denying Request for the Release of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase I - Private Improvements

2006-R236 Denying Request for Release of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase I - Private Landscape Improvements

2006-R238 Denying Request for Release of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase II - Private Landscape Improvements

2006-R239 Denying Request for Release of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase II - Private Improvements

2006-R240 Denying Request for Release of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase III - Private Improvements

2006-R243 Denying Request for Release of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase IV - Private Improvements

2006-R244 Denying Request for Release of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase V - Private Improvements

Mr. Hary requested per Mr. Gambatese's motion that resolutions 2006-R235, 2006-R236, 2006-R238, 2006-R239, 2006-R240, 2006-R243, and 2006-R244 be voted on as one.

Motion to approve: Gambatese

Second: Pfeifer

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

2006-R237 Denying Request for Release but Authorizing a Reduction of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase II - Public Improvements

2006-R241 Denying Request for Release but Authorizing a Reduction of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase III - Private Landscape Improvements

2006-R242 Denying Request for Release but Authorizing a Reduction of Performance Guarantees to D.R. Horton for Village Grande at Bear Creek Phase IV - Private Landscape Improvements

Mr. Hary advised that resolutions 2006-R237, 2006-R241, and 2006-R242 denies the request for a full release but authorizes a reduction to thirty percent.

Motion to approve: Gambatese

Second: Pfeifer

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

Mr. Parvesse advised that this now places all the performance guarantee bonds for Village Grande at Bear Creek at thirty percent.

Ms. Pfeifer inquired how long the Township has been holding these funds and what is the timeline for completion.

Mr. Parvesse advised that the developer is currently working on outstanding issues and that he anticipates completion by spring of 2007. He noted that if the work is not completed by this time the bonds could be recalled.

HUMAN SERVICES

2006-R245 Authorizing a One-Year Extension of Agreement with Aquatic Service Inc. for the Closing, Opening and Painting and Seasonal Maintenance of West Windsor WaterWorks through September 3, 2007

Motion to approve: Gambatese

Second: Pfeifer

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

PUBLIC WORKS

2006-R246 Authorizing a One-Year Extension of Agreement with Scheideler Excavating Co., Inc., for Snow Removal Services through October 31, 2007

Motion to approve: Gambatese

Second: Pfeifer

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

2006-R247 Authorizing Change Order #1 for Green Construction Company authorizing repairs to Village Road, West Roadway in the amount of \$30,000 for a total contract amount of \$578,224.40

Mr. Hary advised that this change order will allow the contractor to perform badly needed repairs to the section of Village Road West adjacent to Quakerbridge Road.

Mr. Parvesse noted that this repair will include the section of road from Quakerbridge Road approximately 100 feet east on Village Road West and does not include improvements to the drainage.

Motion to approve: Gambatese:

Second: Pfeifer

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

Ms. Kleinman requested an update on the PSE&G trail.

Mr. Parvesse advised that additional bike lanes will be added to Penn Lyle Road in the future and that he anticipates a grand opening in April of 2007.

INTRODUCTION OF ORDINANCES

2006-13 AN ORDINANCE AMENDING CHAPTER 44 "BINGO AND GAMES OF CHANCE" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) TO DEFINE THE MUNICIPAL CLERK AS THE OFFICAL AUTHORIZED TO APPROVE THE GRANTING OF RAFFLE AND BINGO LICENSES WITHIN THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, NEW JERSEY

Motion to introduce: Morgan
Second: Pfeifer
RCV: aye Gambatese
 aye Kleinman
 aye Morgan
 aye Pfeifer
 aye Geevers

Public Hearing is scheduled for November 6, 2006 Council Business Session.

2006-14 AN ORDINANCE AMENDING CHAPTER ONE OF THE CODE OF WEST WINDSOR TOWNSHIP, "GENERAL PROVISIONS", ARTICLE II, PENALTY SECTION 1-3 GENERAL PENALTY

Ms. Young advised that Judge Brennen requested that this ordinance be amended.

Motion to introduce: Kleinman
Second: Pfeifer
RCV: aye Gambatese
 aye Kleinman
 aye Morgan
 aye Pfeifer
 aye Geevers

Public Hearing is scheduled for November 6, 2006 Council Business Session.

2006-15 AN ORDINANCE TO AMEND AND SUPPLEMENT "TRAFFIC AND
PARKING", OF THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF WEST WINDSOR

Motion to introduce: Gambatese

Second: Pfeifer

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

Public Hearing is scheduled for November 6, 2006 Council
Business Session.

2006-16 AN ORDINANCE TO AMEND AND SUPPLEMENT "HANDICAPPED
PARKING", OF THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF WEST WINDSOR

Motion to introduce: Gambatese

Second: Pfeifer

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

Mr. Morgan requested to review a copy of the sketch designated
in the ordinance prior to the public hearing.

Ms. Kleinman requested that the handicapped parking ordinance be
updated.

Public Hearing is scheduled for November 6, 2006 Council
Business Session.

COUNCIL REPORTS/COMMENTS

CABLE TV ADVISORY BOARD

Mr. Morgan advised that the Board met and had a very productive meeting. He noted that Mr. Goodell was present and gave a brief summary of the roles and responsibilities of the Board. Mr. Morgan advised that Mr. Martch is currently compiling information to help with the renewal of the interlocal services agreement with the West Windsor-Plainsboro School Board and announced that Mr. George Gati was selected as the new Chairperson.

PLANNING BOARD

Ms. Kleinman advised that the Planning Board reviewed an application from the owners of the Princeton Arms Shopping Center requesting to double the size of the center. She advised that the sign portion of the application was deferred to a future meeting.

PARKING AUTHORITY

President Geever advised that the Parking Authority is looking into a pilot program for valet parking. She advised that this could take place as early as February or March of 2007. President Geever advised that fees for both the New Jersey Transit and West Windsor Parking Authority spots will increase in 2007.

ADDITIONAL PUBLIC COMMENT

Mr. David Siegel, 17 Berrien Avenue, expressed his disappointment with how Council handled the resolution for the Fisher Place this evening.

Mr. Guy Pierson, 241 Fisher Place, expressed his disappointment as well with Council and wished they had added a clause to the resolution specifying that this roadway will not become a future by-pass. He advised Mr. Gambatese to contact him to set up a meeting with residents in the area. Mr. Pierson also noted his concern with the redevelopment area and Phase Two of the Sarnoff development. He noted that none of the planning presentations addressed the infrastructure changes necessary for the redevelopment area.

Ms. Valerie Servis, 114 Harris Road, advised that the Council should have held off on the Sarnoff decision until a future meeting. She noted that she is unclear as to why the light and jug handle need to be relocated.

Mr. Al Lerner, 67 Rainflower Lane, suggested that before the planner is selected that the Township notify the planner of the development applications that have been approved in the area.

ADJOURNMENT

Motion to adjourn: Gambatese

Second: Morgan

RCV: aye Gambatese

aye Kleinman

aye Morgan

aye Pfeifer

aye Geevers

The meeting was adjourned at 9:34 p.m.

Sharon L. Young
Township Clerk
West Windsor Township