

APPROVED: February 2, 2009

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
December 8, 2008

CALL TO ORDER: President Morgan called the meeting to order at 6:00 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 4, 2008 and the Closed Session was noticed on November 25, 2008, for the purpose of discussing acquisition of land.

ATTENDEES: President: Morgan; Vice President: Kleinman; Council: Anklowitz, Borek, Geevers; Business Administrator: Marion; Township Attorney: Herbert; Planning Board Attorney: Muller; Township Clerk: Young

CLOSED SESSION

Motion to go into closed session at 6:07 p.m.: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

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 Township 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 discussion of Open Space Acquisition and Contract Negotiations and Litigation.

MEETING RECONVENED

The closed session adjourned at 6:45 p.m. and the Business Meeting reopened at 7:00 p.m.

ORDER OF AGENDA AMENDED

President Morgan requested that a motion be made to amend the agenda to add the Ceremony for the Swearing in of Several Police Officers to the agenda. He also requested that this take place prior to public comment.

Motion to amend the order of agenda: Borek
Second: Anklowitz
VV: All approved.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

SWEARING IN OF POLICE OFFICERS

Chief Pica requested that the audience stand as the Police Honor Guard entered the room.

Chief Pica led the salute to the flag.

Chief Pica introduced Lieutenant Robert Garofalo, noting his accomplishments within the Division, his educational background, and introduced his family. Township Clerk Young performed the swearing in of Lieutenant Garofalo, with his fiancée at his side.

Chief Pica then introduced Sergeant Thomas Tarr, noting his accomplishments within the Division, his educational background, and also introduced his family. Township Clerk Young swore in Sergeant Tarr with his wife and parents at his side.

Chief Pica introduced Patrolman William Jones, noting his military career and educational background. Township Clerk Young swore in Patrolman Jones with his wife and children by his side.

The last member of the Police Division to be sworn in was Nicholas LaRocca, Patrolman, who is currently in the Police Academy. Township Clerk Young swore in Mr. LaRocca with his girlfriend by his side.

Motion to add resolutions 2008-R306 and 2008-R307 to the consent agenda, and resolution 2008-R308 under redevelopment on the agenda for this evening: Anklowitz

Second: Borek

VV: All approved.

ORDER OF AGENDA RESUMED

PUBLIC COMMENT

Ms. Alison Miller, 41 Windsor Drive, wanted to thank the Council and the Administration for the repaving of Windsor Drive.

Mr. Farrell Delman, 192 Bear Brook Road, voiced his concern that the goals established by the Council earlier this year are not being adhered to under the proposed redevelopment plan. He asked when residents will know how the redevelopment will financially affect them.

Mr. Bill Benfer, 23 Benford Drive, encouraged Council to work with the Planning Board and the owners of the Wyeth Property sooner rather than later.

Mr. Pete Weale, 144 Fisher Place, addressed the topic of illegal signs throughout the Township and inquired as to what the Township is doing to prevent these signs from appearing around town. He outlined several other topics that he felt have not

been addressed by the Township. Mr. Weale advised that the State of New Jersey is offering incentives to live in Trenton.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh announced that the Township's Environmental Commission will be distributing energy saving light bulbs to the community in January. He advised that for more information residents should contact a member of the Environmental Commission.

COUNCIL MEMBER COMMENTS

Ms. Kleinman noted that residents are excited that the Alexander Road Bridge is open and inquired as to when street lights would be installed on the bridge.

Mayor Hsueh advised that the bridge work is not completely finished and that he is coordinating with the Department of Transportation on outstanding items.

President Morgan noted that the Wyeth tract owned by General Growth is a huge opportunity for the Township to preserve open space and that he will be proposing a plan to Mayor Hsueh for his review.

PUBLIC HEARINGS

2008-48 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82, "FEES", SECTIONS 82-4, 82-5, 82-6, 82-7, 82-8 AND 82-9 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR TO INCREASE FEES

President Morgan opened the public hearing.

Motion to close public hearing: Borek

Second: Geevers

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Ms. Geevers inquired about the purpose of raising the fees. Mr. Marion advised that the Township is bringing the Township fees in line with the Department of Community Affairs approved amounts. He noted that under these regulations the Township can only raise fees to offset costs.

Motion to adopt: Kleinman

Second: Anklowitz

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

2008-49 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF DEVELOPMENT RIGHTS ON LAND KNOWN AS THE APPELGET FARM, PARCEL #44 IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$787,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

President Morgan opened the public hearing.

Mr. Dan Haggerty, Legal Representative for the Appelgets, advised that there are four members of the Appelget family present this evening. He noted that by taking this action this evening it will ensure the permanent preservation of this property and will enable a fourth generation of Appelgets to sustain the farming of this property.

Motion to close public hearing: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Motion to adopt: Anklowitz

Second: Geevers

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

2008-50 ORDINANCE AUTHORIZING A CONTRACT TO ACQUIRE THE DEVELOPMENT RIGHTS TO APPROXIMATELY 8.36 ACRES ON CONOVER ROAD BLOCK 24.07 LOT 2.02 (OPEN SPACE PARCEL NO. 44) FROM CORNELIA S. APPELGET, CHARLES W. APPELGET AND RUTH A. NIECKOSKI

President Morgan opened the public hearing.

Mr. Herbert advised that a community garden will also be established as one of the elements on this property along with preserving farming within the Township.

Mr. Morgan noted his concern with some of the language in the contract and inquired if Mr. Haggerty's clients have any problem with this language.

Mr. Haggerty advised that the language is the same as used in the State Easements and that his clients are protected.

Motion to close public hearing: Geevers

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Motion to adopt: Geevers

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Ms. Alison Miller, 41 Windsor Drive, FOWWOS President, noted that the Friends of West Windsor Open Space are in favor of this action.

CONSENT AGENDA

RESOLUTIONS

- 2008-R290 Refund of Overpaid Sewer Rent
- 2008-R291 Refund of Permit Fee No. 20080005 - Advanced Tank
- 2008-R306 Authorizing Withdrawal from Affordable Housing Trust Fund for Acquisition of Affordable Housing Unit - 104 Wenlock Court, Unit A-3 in Windsor Haven
- 2008-R307 Supporting the MainStreet Stimulus Package

MINUTES

- October 14, 2008 - Agenda Session & Joint Planning Board Meeting - as amended
- October 14, 2008 - Closed Session
- October 27, 2008 - Business Session
- October 28, 2008 - Special Work Session I

BILLS & CLAIMS

Motion to approve the consent agenda as amended: Borek

Second: Anklowitz

RCV: aye Anklowitz*

aye Borek**

aye Geevers

aye Kleinman

aye Morgan

*Mr. Anklowitz abstained from voting on the October 14th Agenda and Closed Session and the October 28th Special Work Session I, because he was not in attendance at these meetings.

**Mr. Borek abstained from voting on the October 27th Business Session because he was not in attendance at the meeting.

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

COMMUNITY DEVELOPMENT

- 2008-R292 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Miller, Porter, Muller & Gaynor to Assist in the Formulation of the Princeton Junction Redevelopment Plan
- 2008-R293 Authorizing the Mayor and Clerk to Execute a Second Supplemental Professional Services Agreement with Urbitran Associates, Inc to Assist in the Formulation of the Princeton Junction Redevelopment Plan
- 2008-R294 Authorizing the Mayor and Clerk to Execute a Supplemental Professional Services Agreement with Maser Consulting P.A. to Assist in the Formulation of the Princeton Junction Redevelopment Plan
- 2008-R295 Directing the Chief Financial Officer to Supplement Planning Board Attorney Budget for Services Relating to the Third Round COAH Rules - Miller, Porter, Muller and Gaynor P.C.
- 2008-R296 Directing the Chief Financial Officer to Supplement Planning Board Planner Budget for Services Relating to the Third Round COAH Rules - Maser Consulting
- 2008-R301 Authorizing the Mayor to Execute the Eighth Amendment to the Original Green Acres Project Agreement to Increase Funding from \$4,650,000 to \$4,950,000
- 2008-R302 Authorizing the Business Administrator to Execute Change Order #1 with MECO Inc., Final Quantities Adjustment and Project Closeout for the Project Known as Community Park Phase IX, Basketball Court and Path Improvements

LAW

2008-R303 Authorizing the Chief Financial Officer to Execute Payments to Grantors of Easements for Meadow Road Improvements per Ordinances 2008-45, 2008-46, and 2008-47

PUBLIC WORKS

2008-R305 Award of Contract with International Salt Company, LLC for Supplying Rock Salt in Accordance with the Cooperative Pricing System of Mercer/Middlesex County #61

Council requested that resolutions 2008-R297, 2008-R298, 2008-R299, and 2008-R304 be removed for further review.

Motion to approve resolutions 2008-R292 through 2008-R296 and resolutions 2008-R301 through 2008-R303, and 2008-R305: Borek

Second: Anklowitz

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

PUBLIC SAFETY

2008-R304 Authorizing the Mayor and Clerk to Execute a Contract with Hertrich Fleet Services for the Purchase of Four 2009 Ford Crown Victoria Police Interceptors or Brand Equivalent for the Township's Police Division

Ms. Kleinman inquired about the four new interceptor vehicles for the Police Division.

Mr. Marion advised that the Township has found that by going out to bid versus using State Contract vendors for police vehicles the Township receives lower prices. He also noted that this contract includes the trade-in of four older police vehicles as part of the contract. Mr. Marion advised that this was part of

the 2008 operating budget presented to Council earlier this year.

Motion to approve: Borek

Second: Anklowitz

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

COMMUNITY DEVELOPMENT

2008-R297 Adopting an Affordable Housing Spending Plan and Requesting COAH Review and Approval of West Windsor's Spending Plan

Mr. Surtees advised that the package before Council this evening is the same package approved by the Planning Board in November of this year.

2008-R298 Endorsement of the Housing Element and Fair Share Plan as an Element of the Township Master Plan, and Submission of Petition for Substantive Certification of Plan to the Council on Affordable Housing for Review and Certification

Ms. Kleinman advised that as part of the COAH submission accompanying ordinances for various properties involved have to be attached. She noted that she still has major concerns about the setbacks for the Maneely Property and did not vote "yes" at the Planning Board level for the Fair Share Plan due to this fact. Ms. Kleinman advised that the property owner for the Maneely Tract has been meeting with area residents and that the neighbors on Old Bear Brook Road want to keep the integrating of their area. She noted that one way of doing this is to have the same setbacks on one side as the other which are currently 50 feet instead of the proposed 35 feet in the ordinance attached to the Fair Share Plan.

Mr. Herbert reminded Council that their role this evening is to consent to the Planning Board's action on the Fair Share Plan.

He advised that amendments to the ordinance could be done at a later date as long as it does not affect the affordable housing element.

Mr. Muller advised that the setbacks could be worked out with the developer if they are willing. He noted that setbacks could be reviewed and then sent back to COAH as an amendment.

Discussion ensued regarding the necessity to change the ordinance that pertained to the Maneely Tract parcel.

President Morgan advised that he will request that this topic be placed on an agenda in January of 2009.

Mr. Muller noted that a letter could be sent from Council to the Planning Board requesting review of this proposed change.

Mr. Anklowitz inquired if the Mayor is going to wait to see if the extension of time is granted before forwarding the plan to COAH.

Mayor Hsueh advised that he is aware of the New Jersey League of Municipalities request to Governor Corzine, the House and the Senate to extend the deadline for these plans for an additional six months. He noted that Administration will hold mailing the plan and have it hand delivered prior to the deadline.

Discussion continued regarding when to submit the Fair Share Plan to COAH and what should be included in the cover letter.

Ms. Florence Cohen, Chair of Affordable Housing Committee, advised that the Committee highly recommends Council's approval of the Fair Share Plan this evening.

Ms. Alison Miller, 41 Windsor Drive, voiced her support of Council moving forward with the Fair Share Plan this evening and noted her agreement with Ms. Kleinman's concerns with the Maneely Property. She noted that it is important that the Township submit the plan on time to avoid a Builders' Remedy from occurring.

President Morgan noted for the record that the thirty-year standard for affordable housing units does not run out until

2018 and the Township has the authority to extend the timeframe if needed.

Mr. Muller advised that Avalon Watch will run out in 2018 and that currently there is an ordinance in place that gives the Planning Board and the Council the right to extend those provisions. He noted that the Township is still awaiting a ruling from COAH on the Bootstraps development.

2008-R299 Requesting COAH to Review and Approve the
West Windsor Township Development Fee Ordinance
Amendment

Motion to approve resolutions 2008-R297, 2008-R298, and 2008-R299: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

REDEVELOPMENT

2008-R308 Referring Draft Redevelopment Plan to Planning Board

Mr. Herbert read the draft resolution for Council to consider.

Mr. Anklowitz inquired as to what documents will be submitted to the Planning Board.

Mr. Muller advised that the referral documents will be the sixty-two page plan; in addition, there is an appendix "D" which is Mr. Madden's table, eight maps prepared by Mr. Davies, and additional maps from RMJM Hillier. He noted that Phase 1 and 2 maps will be replaced by updated versions from Mr. Davies.

Mr. Madden advised that all maps need legends.

Mr. Muller reviewed the specific changes as previously discussed and advised that he would make the necessary changes and then

forward the entire package to the Planning Board for their review.

Mr. Anklowitz noted that on page 35 paragraph "B" add fiscal or financial impact. He noted that with this change he is ready to move the document forward.

Discussion continued between Council members and Township Professionals on proposed changes still needed. Mr. Muller made the changes to the draft document and will forward the completed package to Council.

President Morgan read a series of proposed changes to reduce the number of residential units within the redevelopment. He made a motion to reduce the residential units within the redevelopment area. No second was received.

Mr. Anklowitz motioned to adopted resolution 2008-R308 as drafted along with the changes discussed and approved this evening.

Mr. Herbert requested additional language be added to resolution 2008-R308. He read the changes to sections a, b, and c into the record.

Mr. Anklowitz agreed with the changes presented by Mr. Herbert as the maker of the motion. Ms. Geevers seconded the motion.

Ms. Alison Miller, 41 Windsor Drive, noted that the West Windsor Parking Authority is a separate entity from the Township. She inquired if the advertisement boxes in front of the Acme Shopping Center could be addressed within the plan. Ms. Miller suggested thinking about two possible plans, one using the COAH regulations and one not incorporating COAH regulations.

Ms. Julia Rhodes, 31 Scott Avenue, thanked Council for their hard and tedious efforts on the redevelopment plan. She thanked them for looking out for all the neighborhoods around the redevelopment area. Ms. Rhodes advised that she would like to see the housing number kept as low as possible.

Mr. Bob Akens, 32 Windsor Drive, noted his support for keeping the residential component low within the redevelopment area. He

noted his opposition to five-story buildings versus three-story buildings within the development. Mr. Akens expressed his disappointment that LEED standards will not be a requirement for this development.

Discussion between the Council and Township professionals continued to clarify the affordable housing number calculations.

President Morgan expressed his views that the plan does not incorporate the "goals and principles" Council set forth months ago and that he cannot support the plan as presented.

Ms. Geevers advised that the Planning Board will do their due diligence with the review of the plan and that residents will have opportunities to address their concerns and noted it is still an ongoing process.

Motion to approve resolution 2008-R308 as amended: Anklowitz

Second: Geevers

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

NAY Morgan

INTRODUCTION OF ORDINANCES

2008-51 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 133, "SEWERS", ARTICLE IV, "GREASE INTERCEPTORS", AND CHAPTER 82, "FEES" OF THE CODE OF WEST WINDSOR TOWNSHIP

Motion to introduce: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Public Hearing is scheduled for December 29, 2008 Business Session.

2008-52 AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), "LAND USE," PART 1, "SITE PLAN REVIEW," ARTICLE II, "TERMINOLOGY," AND PART 4, "ZONING," ARTICLE XXIII, "HOUSING TRUST FUND" BY ADOPTING A REPLACEMENT ARTICLE

Motion to introduce: Anklowitz

Second: Kleinman

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Public Hearing is scheduled for January 20, 2009 Business Session.

2008-53 AN ORDINANCE TO SUPPLEMENT THE CODE OF WEST WINDSOR TOWNSHIP PART II "GENERAL LEGISLATION" CHAPTER 150 "STORMWATER POLLUTION PREVENTION PLAN (SP3)" ARTICLE III "LITTER CONTROL", AND ARTICLE VI "YARD WASTE COLLECTION" - Bicycle Lanes

Motion to introduce: Geevers

Second: Anklowitz

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Public Hearing is scheduled for December 29, 2008 Business Session.

2008-54 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF WEST WINDSOR TOWNSHIP PART II "GENERAL LEGISLATION," CHAPTER 67 - Landscaper Registration

Motion to introduce: Borek

Second: Anklowitz

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Public Hearing is scheduled for December 29, 2008 Business Session.

COUNCIL REPORTS/COMMENTS

Ms. Kleinman motioned that discussion on the ordinance for the Maneely Tract be placed on an agenda as early as possible in 2009.

Second: Anklowitz

VV: All approved.

Mr. Borek requested that Administration follow up on Mr. Weale's sign complaints and start fining individuals who place illegal signage around the Township.

Mr. Marion advised that there has been a significant effort to handle illegal signage throughout the Township by Mr. Surtees's Office, Public Works, and the Police Division.

ADDITIONAL PUBLIC COMMENT

Ms. Julia Rhodes, 31 Scott Avenue, advised that the new Alexander Road Bridge is wonderful, but that street lighting is needed.

Ms. Alison Miller, 41 Windsor Drive, thanked Council for moving the ordinance regarding brush placement in bicycle lanes.

ADJOURNMENT

Motion to adjourn: Anklowitz
Second: Geevers
VV: All approved.

The meeting was adjourned at 10:59 p.m.

Sharon L. Young
Township Clerk
West Windsor Township