

APPROVED: August 18, 2008

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
May 5, 2008

CALL TO ORDER: President Anklowitz 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 6, 2007.

ATTENDEES: President: Anklowitz; Council: Geevers, Kleinman, Morgan; Mayor: Hsueh; Township Attorney: Herbert; Planning Board Attorney: Muller; Business Administrator: Marion; Acting Township Engineer: Korkuch; Manager Division of Land Use: Surtees; Deputy Township Clerk: Huber

ABSENT: Borek

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

CEREMONIAL MATTERS

Mayor Fried of Robbinsville Township

Mayor Fried gave a brief overview of the redevelopment project in Robbinsville Township and advised that it took several years of planning and working with State, County and Local officials to get to where the project is today.

Ms. Geevers inquired as to what worked well and what might have been done differently, and is having a redevelopment plan in place a better process. She inquired whether they used a Redevelopment Attorney for this process.

Mayor Fried advised that they had community support and the market was viable. He noted that if it could be done again the commercial sections would have been done first and that commitments from State agencies would have been received prior to the project starting. Mayor Fried advised that the Township

would not have been able to get the various public improvements financed without having the redevelopment plan in place prior to a developer coming in to develop the land. He advised that they did have a Redevelopment Attorney thereby allowing the Township Attorney to stay more neutral.

Ms. Kleinman inquired about how Robbinsville Township handled the redevelopment entity issue.

Mayor Fried advised that the Township Council and the Mayor were designated the redevelopment entity. He again reiterated that the residents were behind the project and wanted to see the proposed improvements implemented.

Mr. Morgan inquired as to who took the lead, the Planning Board or the Council and Mayor. He inquired if tax increment financing makes sense within a redevelopment project.

Mayor Fried advised that the Council and Mayor wanted to be accountable and took the lead on this project. He advised that Robbinsville Township used tax increment financing and that it makes logical sense. Mayor Fried noted that the developers paid for the entire project and that improvements have been done primarily by the developers as well.

President Anklowitz inquired what the tax impact has been on the Township.

Mayor Fried advised that although it was to be tax neutral the Township is losing between \$8,000 and \$9,000 per unit.

Mayor Hsueh inquired why the Township did not use a phased-in approach and whether the Township had signed agreements with State agencies.

Mayor Fried advised that the project has been phased in over several years and that the one obstacle was the two major highways within the project. He noted that the Township did have signed agreements with the State and are still waiting for the State to complete the improvements agreed to.

PUBLIC COMMENT

Mr. Al Lerner, 67 Rainflower Lane, thanked Mayor Fried for coming this evening and inquired about developers' contributions.

Mayor Fried advised that this was laid out at the beginning of the process.

Ms. Janet Lerner, 67 Rainflower Lane, inquired about how the number of bedrooms was determined in order to control the number of children.

Mayor Fried advised that the number of children generated to date has not yet been determined. He noted that the flats (apartments) are primarily one and two bedrooms and that there are a total of 700 townhouses and 350 single family units.

Mr. Marshall Lerner, 3 Sapphire Drive, inquired about the number of vacancies in the commercial portion of the development.

Mayor Fried advised that the challenge was getting the buildings constructed versus having tenants. He also noted that although they thought more people would walk to the businesses, additional parking should have been considered.

Mr. Sam Greco, 18 Hathaway Drive, voiced his opinion on living in New Jersey and the need for Local, County, and State agencies/officials to communicate better.

Mr. Hemi Nae, 11 Wycombe Way, advised that as he drives through the Town Center it appears crowded and inquired if Robbinsville had PILOT (Payment in Lieu of Taxes) programs with the developers, and how the schools were compensated.

Mayor Fried advised that this redevelopment plan has won four awards. The Township did not do PILOT programs. He noted this project was started over 12 years ago, with building starting 8 years ago, and that the project is only half complete. Mayor Fried advised you can only go on what the experts advise you.

President Anklowitz thanked Mayor Fried for attending this evening's meeting.

PUBLIC COMMENT

Ms. Christine V. Bator, State of New Jersey Commissioner Board of Public Utilities, noted that New Jersey American Water filed for a rate increase in January of this year. She advised that six public hearings have been scheduled regarding this matter to receive public input and that once these hearings have concluded the matter is referred to the Administrative Law Office and then comes before the full Board of Public Utilities. Ms. Bator suggested that comments regarding this matter be referred to the Office of Administrative Law, the Board of Public Utilities, and the Department of the Public Advocate.

Mr. Franc Gambatese, 3 Lanark Drive, advised that he is here this evening representing Lowes Home Improvement and that Lowes would like to donate 925 saplings to be planted throughout the Township. He noted he would work with Mr. Dobromilsky on where to plant these saplings.

Mr. Michael Ranallo, Cornwall Avenue, Trenton, noted that per his OPRA request to the Township neither Mr. Anklowitz nor Mr. Morgan have requested any reimbursements for expenses. He voiced his opposition to the proposed Council raises and encouraged the Mayor to veto the ordinance if approved.

Mr. Pete Weale, 144 Fisher Place, voiced his objections to the proposed salary increases. Mr. Weale noted that he has suggested to the School Board ways of getting kids involved in the community.

Ms. Randi Francis, 9302 Gossamer Court, noted she lives in the Mews at the Estates of Princeton Junction and needs assistance in understanding how her water bill is calculated whereby she pays almost \$200 per quarter for water. She noted that management uses a third party vendor to do the billing and that she has received rent increases of up to 17% a year. Ms. Francis requested help from the Township.

Mr. Bob Akens, 32 Windsor Drive, voiced his opinion on the salary increase and noted it is small compared with the 12% budget increase for 2008. He encouraged everyone to contact the various agencies, per Ms. Bator's suggestion, regarding the

proposed water rate increase by New Jersey American Water Company. He voiced his opinion on the additional funding for improvements to the old firehouse and noted it is outside the 12% budget increase because it is part of the proposed capital improvements.

Mr. Frederick Feus, 18 Birchwood Court, voiced his opposition to New Jersey American Water Company's proposed rate increase. He encouraged residents to attend a water company meeting to understand what water companies do and he encouraged the Council to vote against the rate increase.

Mr. Sam Greco, 18 Hathaway Drive, voiced his opposition to the proposed water rate increase.

#### MAYOR/ADMINISTRATOR COMMENTS

Mr. Marion requested an update from Mr. Herbert and Mr. Korkuch regarding WWM Properties.

Mr. Herbert gave a brief history of the Edgewood Properties and explained that contaminated soil was imported from the Ford plant in Edison to this site. He noted that he understands that Council has requested that all material brought in be removed. Mr. Herbert advised that a work plan has been approved by NJDEP for Edgewood Properties to remove ten spots where high PCB levels were found. A letter was sent to Edgewood Properties to meet with staff regarding the project.

Mr. Korkuch advised that over the course of the past week, an attorney from Edgewood Properties has received a verbal approval from NJDEP and they are awaiting a written approval in order to proceed. He advised that staff has requested a meeting with Edgewood Properties representatives so that the Township has a clear understanding of how they are planning to proceed. Mr. Korkuch advised that the developer has agreed to meet with the Township. He will update the Council once the permit has been received and the meeting has been conducted.

#### COUNCIL MEMBER COMMENTS

Mr. Morgan, responding to the public comments regarding reimbursement, noted that he has had a request for a

reimbursement outstanding for the past four months. He voiced his support for the Council salary increases.

Ms. Geever's voiced her opposition to the salary increases and expressed her view on the need to have a set policy for legitimate reimbursements to Council members for expenses.

CHAIR/CLERK COMMENTS

Ms. Huber announced the Memorial Day Parade and Ceremony which will be held on Monday, May 26<sup>th</sup> at 11:00 a.m.

President Anklowitz advised that Edgewater Properties should completely remove the contaminated soil from the site.

Mr. Marion advised that DEP has indicated that only some of the soil has to be removed.

Mr. Herbert advised that DEP has the jurisdiction on this matter and that both the Council and Mayor have urged DEP to have the site as clean as possible.

President Anklowitz inquired as to who the public should contact if they have questions or comments on this clean-up process.

Mr. Marion advised the Township Administrator's Office.

PUBLIC HEARINGS

2008-06     AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82, "FEES", SECTION 82-15 "MISCELLANEOUS LICENSES, FEES AND PERMITS" OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR TO ESTABLISH FEES FOR MARRIAGE AND CIVIL UNION CEREMONIES

President Anklowitz opened the public hearing.

Mr. Marion gave a brief overview of the ordinance.

Motion to close public hearing: Morgan

Second: Geevers

RCV: Borek - absent

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

Motion to adopt: Kleinman

Second: Geevers

RCV: Borek - absent

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

#### CONSENT AGENDA

#### RESOLUTIONS

2008-R096 Approving Refunds for Development Plan Review  
Projects

#### Minutes

March 3, 2008 - Closed Session I

March 3, 2008 - Closed Session II

March 3, 2008 - Special Session as amended

March 13, 2008 - Budget Work Session #3

March 17, 2008 - Business Session as amended

#### Bills & Claims

Motion to approve consent agenda: Kleinman

Second: Geevers

RCV: Borek - absent

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

Mr. Marion read out resolutions 2008-R097 through 2008-R113 as listed on the agenda.

2008-R097 Authorizing the Mayor and Clerk to Execute an Amendment to the Memorandum of Understanding with the West Windsor Arts Council

Mr. Marion noted that this resolution amends the current Memorandum of Understanding with the West Windsor Arts Council to show the Arts Council's contribution of \$51,900.00 to be used towards improvements to the former Princeton Junction Fire House.

2008-R098 Authorizing the Mayor and Clerk to Execute a Shared Services Agreement with West Windsor-Plainsboro School District for the Cable TV Channel 27

Mr. Marion advised that this resolution authorizes a five-year shared services agreement with the West Windsor-Plainsboro School District for the management and operation of Channel 27 for an annual amount of \$28,000.00.

COMMUNITY DEVELOPMENT

2008-R099 Authorizing the Mayor and Clerk to Execute an Amendment to the Contract for Fett and Foran for Architectural Services for the Former Princeton Junction Firehouse

Discussion on Resolution 2008-R099

Mr. Morgan inquired about the Arts Council memorandum, paragraph 8 where it says that the Arts Council "may" charge a fee for use. He asked if the guidelines in paragraph 7 cover this.

Mr. Marion advised that those guidelines will be done in accordance with the lease agreement.

Mr. Morgan noted that he has received a lot of questions from community groups about the use of this facility. He also acknowledged those who worked on the Shared Services Agreement with the West Windsor-Plainsboro School Board for the management of Channel 27.

Mr. Marion advised that a full discussion of all Township facilities will be placed on a future agenda.

2008-R100 Authorizing the Mayor and Clerk to Execute an Amendment to the Agreement with Angelo and Salvatore DiMeglio which Provides that all Units Constructed on Block 15.14 Lots 14, 15, and 34 will be Family Rental Units with Market Units Having No More than Two Bedrooms

Discussion on Resolution 2008-R100

Ms. Kleinman noted she would like a further explanation as to why the developer did not accept the previously approved resolution and why it is necessary to act on resolution 2008-R100.

Mr. Muller advised that the language change proposed by Council in October of 2007 was not accepted by the DiMeglios and that their attorney finally returned the documents back for Council action. He advised that staff recommends approving the agreement as submitted.

Ms. Kleinman advised that she cannot support this resolution as written and requested that Council have a meeting with the Planning Board to reopen the discussion of the original application.

Mr. Muller advised that the developer wanted to use the same layout as in Windsor Gardens, an attractive flat on the first floor with a two-floor apartment on the second and third floors (similar to a townhouse), with affordable units being evenly dispersed throughout the development.

Ms. Kleinman again voiced her opposition to the resolution and developer's agreement.

Discussion continued regarding resolution 2008-R100 and the history behind it and how it affects affordable housing numbers within West Windsor. It was decided that Mr. Muller will go back to the developer and advise them that Council will not approve the resolution and agreement as written without the previously discussed changes.

President Ankowitz requested that this resolution be removed from this evening's agenda for further discussion at a future Council meeting.

Motion to table resolution 2008-R100: Morgan  
Second: Kleinman  
VV: All approved, absent Borek

- 2008-R101 Authorizing the Mayor and Clerk to Execute a Developer's Agreement with CDNJ Plaza LLC
- 2008-R102 Authorizing the Mayor and Clerk to Execute a Developer's Agreement with Boston Properties Limited Partnership
- 2008-R103 Denying the Request by DR Horton for Release of Performance Guarantees Associated with Village Grande at Bear Creek Phase I - Private Improvements
- 2008-R104 Denying the Request by DR Horton for Release of Performance Guarantees Associated with Village Grande at Bear Creek Phase II - Private Improvements
- 2008-R105 Denying the Request by DR Horton for Release of Performance Guarantees Associated with Village Grande at Bear Creek Phase III - Private Improvements
- 2008-R106 Denying the Request by DR Horton for Release of Performance Guarantees Associated with Village Grande at Bear Creek Phase IV - Private Improvements
- 2008-R107 Denying the Request by DR Horton for Release of Performance Guarantees Associated with Village Grande at Bear Creek Phase V - Private Improvements

2008-R108    Granting the Request by Toll Brothers for Full  
Release of Performance Guarantees Associated with the  
Estates at Princeton Junction-Townhouse Village West

2008-R109    Granting the Request by Toll Brothers for Full  
Release of Performance Guarantees Associated with the  
Estates at Princeton Junction-Townhouse Village East

2008-R110    Granting the Request by Toll Brothers for Full  
Release of Performance Guarantees Associated with the  
Estates at Princeton Junction-Single Family South -  
Section 2

Discussion on Resolutions 2008-R108 through 2008-R110

Mr. Morgan inquired whether the residents of the Estates of Princeton Junction were informed of these releases.

Mr. Korkuch advised that this is the first full release of performance guarantees and that he has been in touch with the Homeowners' Association and the Management Company directly and they advised us that there are no outstanding issues.

President Ankowitz inquired about what the percentage of completion is for this project.

Mr. Korkuch advised that the development is 90% complete and that the Township currently holds the bonds for the entire development.

HUMAN SERVICES

2008-R111    Authorizing the Mayor and Clerk to Execute a Shared  
Services Agreement with West Windsor-Plainsboro  
School District for the Provision of a Senior Citizen  
Pilot Transportation Program

Mr. Marion noted that this shared services agreement is for one year for the West Windsor-Plainsboro School District to provide transportation services for senior citizens. The cost of this program is \$7,000.00 for the year.

2008-R112 Awarding a Two-Year Contract to Schott, Inc. for Rental of the Food Concession at the WaterWorks Pool Complex

PUBLIC WORKS

2008-R113 Authorizing Execution of Change Order #1 to New Hope Pipe Liner, LLC for Final Adjustment of Payment with a Two-Year Structural Warranty for the Wallace Road Sewer Reconstruction

An amended version of resolution 2008-R113 was handed out by Administration.

Motion to approve resolutions 2008-R097 through 2008-R113 as amended, with the exception of resolution 2008-R100 which was tabled.

Motion: Morgan

Second: Kleinman

RCV: Borek - absent

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

2008-R114 Opposing the Petition of New Jersey American Water Company Inc. for Tariff Rate Increase for Water

Ms. Kleinman requested that Administration review the water rate issue at the Mews at the Estates of Princeton Junction.

Mr. Marion advised that he will review the matter.

President Anklowitz advised that the public response to this resolution has been huge and he encourages the Board of Public Utilities to be responsive and possibly reduce the requested increase.

Motion to approve: Morgan  
Second: Kleinman  
RCV: Borek - absent  
aye Geevers  
aye Kleinman  
aye Morgan  
aye Anklowitz

Reimbursement of Expenses For Council Members

Ms. Geevers advised that she has drafted the proposed policies before Council this evening regarding reimbursable expenses. She noted that salaries should be separated from expenses.

President Anklowitz advised that normally this type of item would have been placed on the next agenda session, which would have been June 9<sup>th</sup>, but because of the timing he wanted to afford Ms. Geevers the opportunity to present her proposal this evening.

Mr. Morgan advised that additional work needs to be done on language and inquired if this removes stipends such as mileage etc.

Mr. Marion advised that most of these items have been approved per the various union contracts for Township employees, but agreed that a full discussion needs to take place.

Discussion ensued over language changes and guidelines and that further discussion is needed. It was suggested to place this on a future agenda session for further discussion.

INTRODUCTION OF ORDINANCES

2008-08 AN ORDINANCE TO SUPPLEMENT THE CODE OF WEST WINDSOR TOWNSHIP PART I ADMINISTRATIVE LEGISLATION CHAPTER 1: GENERAL PROVISIONS, ARTICLE II, PENALTY

Mr. Herbert advised that this ordinance is in accordance with approvals by the Legislature to allow municipalities to raise the penalty fee for municipal violations from \$1,250 to \$2,000.

Motion to introduce: Morgan

Second: Kleinman

RCV: Borek - absent

aye Geevers

aye Kleinman

aye Morgan

aye Anklowitz

Public Hearing for this ordinance will be on May 19, 2008.

2008-09 AN ORDINANCE PROVIDING FOR FUTURE SALARY ADJUSTMENTS  
FOR THE MAYOR AND COUNCIL

Mr. Morgan advised that the Mayor's current salary does not include his stipend. He noted his support for the salary increases because it brings Council to minimum wage based on their hours and he requested an amendment to the ordinance as follows: "C" reimbursement for travel and other expenses including stipends for those expenses are prohibited, excluding mandatory training and the League of Municipalities."

Motion to add additional section "C": Morgan

Second: Kleinman

Discussion continued regarding the proposed amendment by Mr. Morgan.

President Anklowitz advised that he does not support the amendment as written.

Mayor Hsueh voiced his opposition to the proposed salary increase for the Mayor's position and the suggestion of making his stipend (vehicle allowance) part of his salary. He also advised that his job responsibilities vary from those of Council.

Ms. Kleinman withdrew her second from the proposed amendment.

Ms. Geevers again noted that she is against the salary increase and cited several reasons. She again suggested a reimbursement policy be discussed and approved by Council.

President Anklowitz advised that history shows that Congress

does not receive raises until after the General Election. He suggested that any further adjustments to Council salaries should be done in the same fashion in the future so that voters have the right to speak on the matter.

Ms. Geevers questioned the wording of the ordinance regarding future salary increases.

Mr. Herbert advised that the wording is correct and that it was written to give the voters the opportunity to place the question on the ballot.

Motion to introduce: Kleinman

Second: Morgan

RCV: Borek - absent

NAY Geevers

aye Kleinman

aye Morgan

aye Anklowitz

Public Hearing for this ordinance will be on May 19, 2008.

#### COUNCIL REPORTS/COMMENTS

##### Redevelopment Discussion

Mr. Marion advised that Administration is still awaiting a formal update from RMJM Hillier.

Discussion regarding the next steps with RMJM Hillier and the Township Professionals ensued.

Ms. Kleinman advised that she wanted to applaud the Mayor for arranging to have Mr. Zellner, Director of Policy from the Governor's Office, address the Township on public policy and redevelopment the other evening. She also thanked those who put on the Arbor Day event this year. Ms. Kleinman noted that she attended a meeting held by the New Jersey League of Municipalities Mayors' Committee for a Green Future. She noted that currently this group is working on a tool box of things for sustainability for Townships to use in the future.

Mr. Morgan advised that there is a Redevelopment Finance Committee meeting tomorrow to discuss the draft outline of the chapters for presentation to the Council.

President Ankowitz advised that he appreciates all the work the Redevelopment Finance Sub-Committee has been doing and looks forward to their presentation to Council in the near future.

Mr. Morgan requested that the minutes from the Finance Sub-Committee be placed on the Township web-site.

Mr. Marion advised that currently the redevelopment web-page is being reworked and that once it is completed he will discuss this with the Clerk's Office and have these minutes placed on the web-site.

President Ankowitz suggested tentatively placing the Redevelopment Finance Sub-Committee discussion on the May 19<sup>th</sup>, 2008 Business Session Agenda.

ADDITIONAL PUBLIC COMMENT

Mr. Al Lerner, 67 Rainflower Lane, commented on gas prices, and public transportation ridership increasing and inquired how this will affect the train station. He advised that the New Jersey Department of Transportation should be made more aware of this impact on West Windsor Township.

Ms. Janet Lerner, 67 Rainflower Lane, referenced the ordinance pertaining to council salaries and that she supports Ms. Geever's views. She noted that she also supports a reimbursement policy.

ADJOURNMENT

Motion to adjourn: Morgan  
Second: Kleinman  
VV: All approved - Borek absent

The meeting was adjourned at 10:00 p.m.

---

Sharon L. Young  
Township Clerk  
West Windsor Township