

APPROVED: October 27, 2008

WEST WINDSOR TOWNSHIP COUNCIL  
BUSINESS SESSION  
September 15, 2008

CALL TO ORDER: President Morgan 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 4, 2008.

ATTENDEES: President: Morgan; Vice President: Kleinman; Council: Ankowitz, Borek, Geever; Mayor: Hsueh; Township Attorney: Herbert; Business Administrator: Marion; Chief Financial Officer: Louth; Manager of Land Use: Surtees (left at 9:15 p.m.), Planning Board Attorney: Muller (left at 9:15 p.m.); Township Planner: Madden (left at 9:15 p.m.); Coordinator of Community Development: Ward (left at 9:15 p.m.); Township Clerk: Young

FLAG SALUTE

Ms. Young led the salute to the flag.

PUBLIC COMMENT

None.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Proclamation Celebrating the 50<sup>th</sup> Anniversary of Glen Acres and Recognizing its Uniqueness as a Planned Integrated Neighborhood

President Morgan introduced Ken and Elizabeth Peck, and Steve Decter who are residents of Glen Acres.

President Morgan read the Proclamation.

Mr. Decter gave a brief history about Glen Acres and outlined the achievements of the development.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Marion asked to amend the agenda to add a resolution for a Right-of-Way Quick Claim Deed for Emil Street.

Motion to add resolution 2008-R239 to the agenda: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

COUNCIL MEMBER COMMENTS

Ms. Kleinman outlined the events for the upcoming weekend to include the GroWW Environmental Fair, the Dragon Boat Races at Mercer Lake, and the Arts Council movie presentation.

CHAIR/CLERK COMMENTS

Mr. Anklowitz spoke about the proposed meeting for September 22. He made a motion to cancel the meeting until RMJM Hillier has had time to prepare the draft redevelopment plan which would then allow Council Members to have a document to review while discuss the traffic and infrastructure in the redevelopment area.

Motion to cancel the September 22, 2008 meeting and allow RMJM Hillier to prepare and submit the draft redevelopment plan to the Mayor who shall review the plan for completeness and submit the plan to the Clerk's Office to have available to review and discuss at the October 27, 2008 meeting: Anklowitz

Second: Geevers

Mr. Anklowitz was adamant about not spending more than the funds designated to Hillier to design the draft plan. He advised that the plan must be in front of Council for intelligent decisions to be made.

Ms. Kleinman explained that not all of Mr. Madden's views and suggestions were discussed at the previous redevelopment meeting and that the meeting for September 22, 2008 was a continuation of discussions regarding land use.

Ms. Geever advised that a plan needs to be submitted to Council on or before the October 27<sup>th</sup> meeting. She noted her concerns with the contractual obligations.

Mayor Hsueh provided his comments and opinions.

President Morgan explained that failure to have the September 22<sup>nd</sup> meeting would be crucial to redevelopment moving forward. He noted the importance of Council doing their homework before the creation of the plan and to give RMJM Hillier direction. Mr. Morgan spoke about scope creep and the limited resources of staff time to perform the work.

Mr. Anklowitz again advised of his concern with the mounting costs to complete this draft plan.

Mr. Borek noted his concern with the direction of the redevelopment plan and stressed the need to move this project forward.

Ms. Geever asked to have the motion amended to allow one more meeting with the consultants and RMJM Hillier representatives.

#### MEETING RECESS

Mr. Anklowitz asked for a five minute recess.

Motion for a recess until 8:15 p.m.: Anklowitz

Second: Kleinman

All ayes

#### MEETING RECONVENED

Mr. Morgan asked Mr. Madden to address the necessity of having the September 22<sup>nd</sup> meeting.

Mr. Madden explained that Mr. Jaffe of RMJM Hillier was going to provide a visual of the traffic circulation plan for the September 22<sup>nd</sup> meeting. He advised that Hillier has all the information they need to proceed with the creation of the draft redevelopment plan. Mr. Madden explained that density will not be addressed and Council will have to make a decision on scope and scale to assist with TIF funding discussions. He advised that financial expertise should weigh in after the draft plan has been developed.

Council Members addressed questions to Mr. Madden.

Mr. Anklowitz called for a vote for the motion on the table.

Motion to cancel the September 22, 2008 meeting and allow RMJM Hillier to prepare and submit the draft redevelopment plan to the Mayor who shall review the plan for completeness and submit the plan to the Clerk's Office to have available to review and discuss at the October 27, 2008 meeting: Anklowitz

Second: Geevers

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

NAY Morgan

The Township Clerk, Mrs. Young was asked to cancel the September 22, 2008 meeting.

ORDER OF AGENDA AMENDED

2008-R239 Acceptance of Dedication of Emil Street and  
Authorizing Release of Performance Guarantee

Ms. Kleinman inquired about the location of Emil Street.

Mr. Surtees advised her of the location.

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

PUBLIC HEARINGS

2008-16     ORDINANCE TO ESTABLISH COMPENSATION FOR THE TOWNSHIP  
OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION  
THEREOF - Township Attorney, Partners, and Associates

President Morgan opened the public hearing for ordinance  
2008-16.

Motion to close the public hearing: Anklowitz  
Second: Borek  
RCV: aye Anklowitz  
aye Borek  
aye Geevers  
aye Kleinman  
aye Morgan

Motion to adopt: Anklowitz  
Second: Borek  
RCV: aye Anklowitz  
aye Borek  
aye Geevers  
aye Kleinman  
aye Morgan

2008-19     AN ORDINANCE AMENDING PART 4, "ZONING," ARTICLE  
XXXIII, "GENERAL PROVISIONS AND SUPPLEMENTAL  
REGULATIONS GOVERNING CERTAIN USES," OF THE CODE OF  
THE TOWNSHIP OF WEST WINDSOR (1999) BY PROHIBITING  
RESIDENTIAL DEVELOPMENT IN COMMON OPEN SPACE

President Morgan opened the public hearing for ordinance  
2008-19.

Mr. Marion noted that all the ordinances were approved by Planning Board in April 2008.

Mr. Madden outlined the details of the ordinance.

Motion to close the public hearing: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Ms. Geevers asked if she should abstain from voting because of where her home is located in the Township.

Mr. Herbert noted that it was not necessary to refrain from voting.

Motion to adopt: Geevers

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

2008-20     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 ARTICLE XII, "DESIGN STANDARDS FOR SUBDIVISIONS," AND PART 4, "ZONING," ARTICLE XXXIII, "GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES" BY PROHIBITING FLAG LOTS

President Morgan opened the public hearing for ordinance 2008-20.

Mr. Madden outlined the details of the ordinance.

Motion to close the public hearing: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Mr. Morgan noted that he opposed the ordinance and will not vote to approve it.

Motion to adopt: Anklowitz

Second: Kleinman

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

NAY Morgan

2008-21     AN ORDINANCE TO AMEND CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), "LAND USE," PART 1, "SITE PLAN REVIEW": AND PART 3, "SUBDIVISION AND SITE PLAN PROCEDURES," AND PART 4, "ZONING," BY CHANGING MAXIMUM IMPERVIOUS COVERAGE REFERENCES TO MAXIMUM IMPROVEMENT COVERAGE AND CORRECTING AGE RESTRICTION FOR THE PRRC ZONE

President Morgan opened the public hearing for ordinance 2008-21.

Mr. Madden outlined the details of the ordinance.

Motion to close the public hearing: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Mr. Morgan noted that the ordinance was a great idea.

Motion to adopt: Kleinman

Second: Geevers

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

2008-22     AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), "LAND USE," PART 1, "SITE PLAN REVIEW," ARTICLE VI, "DESIGN DETAILS," BY MODIFYING PARKING STANDARDS

President Morgan opened the public hearing for ordinance 2008-22.

Mr. Madden outlined the details of the ordinance.

Mr. Herbert noted the amendment to the language of the ordinance that was recommended, and advised that the amendment was not a substantial change that would require a review by Planning Board.

Motion to close the public hearing: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Ms. Kleinman noted her concern about the other property owners that may be affected by this amendment. She advised that she did not understand the need for the amendment to the existing language.

Mr. Muller outlined his reasons for wanting the language amendment.

Mr. Morgan offered a suggestion to the language amendment that would still clarify the standards but avoid potential litigation.

Ms. Kleinman agreed with Mr. Morgan's version of the amendment to the ordinance.

Mr. Anklowitz suggested that the ordinance be reintroduced to avoid any potential problems.

Mr. Herbert advised that this was not necessary.

Motion to approve the language amendment per Mr. Morgan's suggestion: Kleinman

Second: Anklowitz

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Motion to adopt: Borek

Second: Geevers

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

2008-23     AN ORDINANCE AMENDING PART 4, "ZONING," ARTICLE XXXIII, "GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES," OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY INCLUDING BUSINESS ANTENNAS IN HEIGHT EXCEPTIONS

President Morgan opened the public hearing for ordinance 2008-23.

Mr. Madden outlined the details of the ordinance.

Motion to close the public hearing: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Motion to adopt: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

2008-24 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), CHAPTER 200, "LAND USE," PART 4, "ZONING," ARTICLE XXXIII, "GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES," BY PERMITTING NONCONFORMING SINGLE-FAMILY RESIDENCES AND ACCESSORY STRUCTURES TO BE RECONSTRUCTED AFTER DESTRUCTION

President Morgan opened the public hearing for ordinance 2008-24.

Mr. Madden outlined the details of the ordinance.

Motion to close the public hearing: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Motion to adopt: Geevers

Second: Anklowitz

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

CONSENT AGENDA

RESOLUTIONS

2008-R225 Approval of Fire Works Display for the Mercer County  
Italian American Festival

MINUTES

BILLS & CLAIMS

Motion to approve consent agenda: Borek  
Second: Kleinman  
RCV: aye Anklowitz  
aye Borek  
aye Geevers  
aye Kleinman  
aye Morgan

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

ADMINISTRATION

2008-R226 Requesting Approval of the Insertion of the State of  
New Jersey, Department of Health and Senior Services,  
Comprehensive Tobacco Control Program in the 2008  
Municipal Operating Budget

2008-R227 Authorizing the Mayor and Clerk to Execute an  
Agreement with Windsor Woods Luxury Apartments West  
Windsor Developers, L.L.C. for the Reimbursement of  
Solid Waste Collection Costs for the Calendar Year  
2006 and 2007

2008-R228 Authorizing an Amendment to the 2008 Capital Budget to  
Include Various Sewer Related Projects

2008-R229 Authorizing the Cancellation of Unexpended Balances  
for the Transportation Improvement District (TID) and  
Refunding Bond Capital Projects.

COMMUNITY DEVELOPMENT

2008-R230 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with Schlumberger Technology Corporation

2008-R231 Granting the Request for a Reservation of Sewer Capacity for the Princeton Junction Rite Aid Pharmacy & Retail Development Project

2008-R232 Denying the Request by D.R. Horton for Full Release of Performance Guarantees for The Village Grande at Bear Creek - Phase III Private Improvements

2008-R233 Authorizing the Mayor and Clerk to Execute an Amendment to the Existing Contract with T& M Associates for the Meadow Road Extension/Duck Pond Run Interceptor

LAW

2008-R234 Authorizing the Mayor and Clerk to Execute a Settlement Agreement with Akselrads and West Windsor Gardens LLC

2008-R235 Authorizing the Business Administrator and Manager of Senior and Social Services to Execute a Memorandum of Understanding with the Princeton Junction Volunteer Fire Company for Use By The West Windsor Senior Center During Construction

PUBLIC SAFETY

2008-R236 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Princeton Animal Hospital for 2008

PUBLIC WORKS

2008-R237 Authorizing the Mayor and Clerk to Execute a Contract with Ken Conover & Sons for Emergency Repair Work of Sanitary Sewer Line on North Post Road

2008-R238 Authorizing the Mayor and Clerk to Execute a  
Contract with Scheideler Excavating Co., Inc. for  
Emergency Repair Work of Sanitary Sewer Line on North  
Post Road

Motion to approve resolutions 2008-R226 through 2008-R238: Borek

Second: Kleinman

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

INTRODUCTION OF ORDINANCES

2008-25 AN ORDINANCE TO ESTABLISH A SALARY  
AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND  
PROVIDE FOR THE ADMINISTRATION THEREOF - Audio Visual  
Specialist

Ms. Geevers inquired about the funding for this position and suggested an hourly rate.

Mr. Marion noted that the salary range was per meeting and advised that the Chair to the Cable TV Advisory Board was actively involved in setting the rate for the position.

Council Members addressed questions to Ms. Louth about techniques in paying this individual and asked the Chair of the Cable TV Advisory Board to attend the Public Hearing for this ordinance.

Motion to introduce: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Public Hearing for Ordinance 2008-25 is scheduled for the  
September 29, 2008 Business Session.

2008-26     BOND ORDINANCE PROVIDING FOR SEWER IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$6,072,621.22 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,510,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

President Morgan inquired if funding within this bond included sewer connections for the Heatherfield development.

Ms. Louth outlined the projects that the bond ordinance included funding for.

Motion to introduce: Anklowitz

Second: Kleinman

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Public Hearing for Ordinance 2008-26 is scheduled for the September 29, 2008 Business Session.

2008-27     AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), "LAND USE," PART 4, "ZONING," ARTICLE XXX, "REGULATIONS FOR BUSINESS DISTRICTS," BY ESTABLISHING SIGN STANDARDS FOR THE PRINCETON JUNCTION OVERLAY DISTRICT

Motion to introduce: Anklowitz

Second: Kleinman

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Public Hearing for Ordinance 2008-27 is scheduled for the September 29, 2008 Business Session.

2008-28     ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE  
TOWNSHIP OF WEST WINDSOR (1999), "LAND USE," PART 1,  
"SITE PLAN REVIEW," BY AMENDING SIGNAGE STANDARDS

Motion to introduce: Geevers

Second: Borek

RCV: aye Anklowitz

aye Borek

aye Geevers

aye Kleinman

aye Morgan

Public Hearing for Ordinance 2008-28 is scheduled for the  
September 29, 2008 Business Session.

COUNCIL REPORTS/COMMENTS

Ms. Geevers outlined the details of the Parking Authority  
meeting on September 10<sup>th</sup>.

ADDITIONAL PUBLIC COMMENT

Mr. Alvin Lerner, 67 Rainflower Lane, commented on the  
redevelopment discussions heard earlier this evening. He urged  
for the process to move forward.

ADJOURNMENT

Motion to adjourn: Anklowitz

Second: Geevers

VV: All approved

The meeting was adjourned at 9:52 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township