

APPROVED: February 7, 2011

WEST WINDSOR TOWNSHIP COUNCIL  
AGENDA SESSION  
December 13, 2010

CALL TO ORDER: President Ciccone 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, 2010.

ATTENDEES: President: Ciccone; Vice President: Khanna; Council: Borek, Geevers, Morgan; Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Planning Board Attorney: Muller; Deputy Township Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

PUBLIC COMMENT

Ms. Joan McGee, Watershed Policy Specialist, Stony Brook-Millstone Watershed Association, noted that on Wednesday, December 15th the New Jersey Department of Environmental Protection will be holding a public information session on Mercer County's draft sewer service map and encouraged the Township to have a representative attend. Ms. McGee voiced her concern with the environmentally sensitive areas within the Sarnoff Tract as well as other environmentally sensitive areas throughout West Windsor that could be affected by some of the proposed changes.

Ms. Alison Miller, 41 Windsor Drive, voiced her support of the resolution supporting the Delaware and Raritan Canal Commission. She noted that both the Friends of West Windsor Open Space and the West Windsor Bicycle and Pedestrian Alliance have also passed similar resolutions of support.

Mr. Al Lerner, 67 Rainflower Lane, inquired about the D&R Canal resolution.

FOR DISCUSSION

Mayor/Administration

Update of ADA Compliancy Recommendations

Mr. Hary advised that this was provided at the December 6<sup>th</sup> Business Session.

Resolution for D&R Canal Commission

2010-R266 Supporting the Funding of the Delaware and Raritan Canal Commission and Urging the New Jersey Legislation to Preserve the Commission as Chartered

A short discussion among members of Council took place expressing their support for the amended version of the resolution.

Motion to approve: Morgan

Second: Geevers

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

Review of the Revisions to Ordinances included in the Approved InterCap Settlement and Redeveloper's Agreement

President Ciccone outlined the process for review of the ordinances this evening.

Mr. Herbert gave a brief history of why the amendments to the ordinances are necessary and noted that President Ciccone wanted to afford Council the opportunity to review the proposed ordinances at an agenda session. He advised that once Council has introduced the ordinances they will then be forwarded to the Planning Board for review per Municipal Land Use Law prior to the public hearing.

Mr. Muller reviewed the changes to the ordinances that amend the Redevelopment Plan for Princeton Junction.

Council asked various questions and voiced concerns which were addressed by Mr. Muller and Mr. Herbert.

Mr. John Church, 11 Princeton Place, voiced his displeasure regarding InterCap's pressure to settle and on the proposed ordinances for the Redevelopment area being processed so quickly.

Mr. Herbert addressed Mr. Church's questions and concerns.

Ms. Alison Miller, 41 Windsor Drive, voiced her concerns about funding for Vaughn Drive from the State and how that calculates into the entire project funding. She summarized her proposed amendments to the ordinances and her reasoning for suggesting each change.

Mr. Muller addressed Ms. Miller's suggestions.

President Ciccone asked members of Council if they were in agreement to add Ms. Miller's suggestions into the proposed ordinance.

Consensus of Council was to add her amendments to the proposed ordinances.

Ms. Janet Lerner, 67 Rainflower Lane, asked several questions regarding the proposed ordinances.

Mr. Muller addressed Ms. Lerner's questions and concerns.

Ms. Joan McGee, Stony Brook-Millstone Watershed Association, inquired about off-tract roadway improvements and voiced her concern regarding infrastructure improvements in environmentally sensitive areas. She also noted her concern about the increase in density of the project. She noted that she had requested a copy of a recent memorandum prepared by Mr. Davies, but was advised that it was not releasable at the time.

Mr. Muller advised that he will provide a copy of Mr. Davies' memorandum to Ms. McGee. He addressed Ms. McGee's questions and concerns.

Mr. Gerry Foster, President of the West Windsor Bicycle and Pedestrian Alliance, summarized the Bicycle and Pedestrian Alliance's memorandum dated December 13<sup>th</sup>, 2010 suggesting several changes to the proposed ordinances.

Mr. Muller noted he agrees with the comments submitted by Mr. Foster but will have to review them with Mr. Madden.

Ms. Geevers requested some visuals for the public hearings.

Mr. Morgan suggested signage for cars/bicycles/pedestrians to remind them of shared roadway space.

President Ciccone advised she is against shared streets and noted that the language in the proposed ordinances is not strong enough.

President Ciccone inquired if members of Council agree with the proposed changes by the West Windsor Bicycle and Pedestrian Alliance reviewed this evening.

Council agreed to add the proposed amendments from the West Windsor Bicycle and Pedestrian Alliance to the proposed redevelopment ordinance.

Mr. Al Lerner, 67 Rainflower Lane, voiced his concerns with Mr. Herbert's memorandum of November 16, 2010. He inquired if there have been steps taken for a "conflict of resolution procedure" to be part of the settlement agreement.

Mr. Herbert advised that it is a good idea and noted that the Court will retain jurisdiction over the process.

Mr. Khanna inquired when the cut-off date is for the submission of amendments to the final draft of the proposed ordinances.

Mr. Morgan advised that Mr. Church's comments should be addressed. He noted that Council is not being forced into adjusting the proposed ordinances.

Mr. John Church, 11 Princeton Place, again voiced his concerns that the Township is being forced into making these changes because of the threat of continued lawsuits.

Mr. Muller advised that the Township would have had to make changes to these ordinances regardless of who the developer/redeveloper was for the area.

During the review of the proposed changes to the redevelopment ordinance the following amendments were requested by members of Council:

200-260. RP-1 District - B. RP-1 District intensity, bulk and other regulations.

B.(9)(c) the word "demonstrate" is to be changed to "comply" and an additional sentence to be added regarding compliance with the sustainable checklist recently adopted by the Council

200-260. RP-1 District - C. RP-1 District Design Standards.

C.(2)(j) the word "covered" is to be added after the word "address" in the first sentence.

C.(7)(a) this section is to be broken into two separate sections for clarity.

C.(7)(f) signage showing that the Promenade area is shared space is required.

COUNCIL MEMBER/CLERK

Ms. Huber requested that a resolution approving the designation of January 3<sup>rd</sup> 2011 as a Holiday be added to the December 20<sup>th</sup> agenda. She advised that this action is needed because the Reorganization Meeting will occur after the proposed date.

Toolkit Resolution - 2010-R267

A brief discussion ensued as to which version of the "Toolkit" resolution Council members were in favor of. It was decided to

go with the original version submitted by the New Jersey League of Municipalities.

Motion to approve Resolution 2010-R267: Geevers

Second: Morgan

RCV: NAY Borek

aye Geevers

aye Khanna

aye Morgan

NAY Ciccone

#### Draft Cable TV Ordinance Review

A brief discussion ensued regarding changes to the existing Cable TV Ordinance. This ordinance will be placed on the first Business Session agenda in 2011.

#### Council Procedural Guidelines

Ms. Geevers reviewed her proposed changes regarding "conflict of interest" language being added to the Council Procedural Guidelines.

Discussion ensued on whether to add the "conflict of interest" language as proposed by Ms. Geevers.

Mr. Borek suggested that full disclosure be made when there is a conflict of interest.

Ms. Alison Miller, 41 Windsor Drive, noted that various members of FOWWOS have also been Council members and that the key question was whether the member would receive any personal gain and the answer was always "no".

There was no support for the proposed changes submitted by Ms. Geevers for the Council Procedural Guidelines.

#### Open Space Acquisition Policy

Mr. Borek advised that the procedures followed in the past for acquisition of open space have been appropriate; however, if necessary he would like to see a commercial broker brought in to the process.

Discussion ensued regarding whether it is appropriate to bring a commercial broker in to review open space acquisitions.

Mr. Herbert advised that the Council should be able to receive the appraisals prior to the purchase of land.

Mr. Borek recommended that Council receive the appraisals prior to Administration giving the final offer to the property owner.

Discussion continued on whether a policy needs to be put in place for acquisition of future open space.

Mr. Herbert advised that he will work with Administration on a procedure for information to be shared with Council for future open space acquisitions.

#### COUNCIL COMMENTS

Mr. Borek advised that the State Assembly approved a bill on abolishing the Council on Affordable Housing today.

Mr. Khanna thanked Ms. Miller for her memorandum that suggested changes to the redevelopment ordinances.

President Ciccone thanked members of Council for all their hard work and noted that Council has achieved many accomplishments during her reign as President over the past six months. She thanked Mr. Hary, Mayor Hsueh, Mr. Herbert and the Clerk's Office for their support and cooperation. President Ciccone advised that the December 20<sup>th</sup> Business Session will be held at the West Windsor Senior Center.

#### PUBLIC COMMENT

Ms. Alison Miller, 41 Windsor Drive, noted that she suggested to Mr. Muller that it would be very helpful to have a sketch of the promenade area for the public hearing of the redevelopment ordinances to allow for a visual of the concept for residents.

Mr. John Church, 11 Princeton Place, agreed with the need for a better sketch of the promenade area than the one previously submitted.

ADJOURNMENT

Motion to adjourn: Morgan  
Second: Geevers  
VV: All ayes

The meeting was adjourned at 9:56 p.m.

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Sharon L. Young  
Township Clerk  
West Windsor Township