

APPROVED AS AMENDED: September 19, 2011

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
August 1, 2011

CALL TO ORDER: President Khanna 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 January 7, 2011.

ATTENDEES: President: Khanna; Vice President: Ciccone; Council: Borek, Geevers, Morgan via conference phone; Mayor: Hsueh (left 9:00 p.m.); Business Administrator: Hary; Township Attorney: Herbert, Jr.; Deputy Township Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, voiced his disapproval with the recent advertisement sent to residents by Mr. Goldin. He asked several questions regarding the redevelopment project. He requested that Council not vote for the InterCap ordinances this evening and asked that a financial analysis be created for the project.

Mr. Hemi Nae, 11 Wycombe Way, voiced his opposition to the Transit Village and the influx of advertising received by residents from InterCap. He submitted a letter with residents' signatures who are against the redevelopment project.

Ms. Alison Miller, 41 Windsor Drive, voiced her opinion on the redevelopment process to date and the need for Council members to have the appropriate time to review ordinances. She also addressed her disappointment with the recent campaign by Mr. Goldin.

Ms. Sara Spengler-Campanella, 16 Canoe Brook Drive, spoke against the recent literature received from InterCap and advised that she appreciates the time each Council member has taken reviewing the matter.

Ms. Rimma Yakobovich, 46 Saratoga Drive, voiced her concerns that the development will require additional resources such as fire, police, and schools and noted her opposition to the project.

Ms. Nancy Kieling, 116 Fisher Place, spoke in favor of the redevelopment project and noted that it is an option for senior citizens who want to stay in the Township. She supports additional affordable housing at the train station area and asked Council to support the ordinances.

Mr. Mike Baxter, 6 Landing Lane, spoke against voting on the ordinances this evening until additional information has been received. He suggested placing a referendum on the ballot to determine what the residents want with regard to the redevelopment project.

Mr. Mike Rosenberg, 46 Saratoga Drive, noted that from the beginning the residents were told that the Township would have control over the redevelopment process and yet InterCap is holding the Township hostage.

Mr. Bob Akens, 32 Windsor Drive, voiced his opposition to Mr. Goldin's mailings and noted that this type of behavior is insulting to the residents of West Windsor. He reminded Council that the project is supposed to be tax neutral.

Ms. Sam Greco, 18 Hathaway Drive, read his letter into the record and voiced his lack of support for the proposed redevelopment project.

Mr. Michael Hornsby, 978 Alexander Road, Chairman of the Environmental Commission spoke in support of Resolution 2011-R159 listed on the agenda this evening for "Regional Greenhouse Gas Initiative" (RGGI) and urged Council to approve the resolution.

Mr. Gary Zohn, 42 Hawthorne Drive, voiced his concern with adding an additional 800 commuters to the train station as well as children to the school system.

Ms. Meg Chicco, 6 Lancashire Drive, advised that the Township should take time to educate the public on the process. She also noted that the recent mailing and telephone survey was "over the top".

Mr. Brian Maher, 135 Penn Lyle Road, spoke about the tax impact on residents if the redevelopment project goes forward and the need for the Township to review the financial impact.

Mr. Al Lerner, 67 Rainflower Lane, spoke in support of the redevelopment project.

Ms. Janet Lerner, 67 Rainflower Lane, spoke in support of the redevelopment project and noted the reasons for her support.

Mr. Andrew Hersh, 27 Halstead Place, noted that the advertising recently sent by InterCap was distasteful. He noted that now would be a good time to place a referendum on the ballot pertaining to the redevelopment project.

Mr. Andy Bromberg, 24 Providence Drive, noted he has heard many good comments this evening and that it was wrong that Council members were attacked. He advised that he supports the project but wants it done correctly.

Ms. Kathy Stratton, 23 Berkshire Drive, voiced her opposition of the redevelopment project and noted that not everyone who attended the charrettes were in favor of the redevelopment project.

Mr. Frank Bal, 14 Stanford Place, voiced his opposition to redevelopment.

Mr. Pete Weale, 144 Fisher Place, advised he attempted to have a referendum placed on the ballot several years ago but was advised it was too late. He voiced his opposition to the redevelopment project.

COUNCIL MEMBER COMMENTS

Ms. Geevers noted she is going to base her decision on the process and the facts provided. She advised that Council members should have been part of the direct negotiating process.

Ms. Geevers advised that she and Mr. Borek have attended all three hearings before Judge Feinberg. She suggested that Mr. Goldin sit down with Council and discuss the concerns Council members have on the matter.

President Khanna advised that there will be no discussion at the time of introduction of the ordinances.

Mr. Borek advised that the ordinances were discussed last Thursday and that the memorandum from Judge Feinberg indicates she is waiting for Council's decision on the ordinances prior to taking any further action on the case.

Mr. Morgan voiced his concerns regarding Mr. Goldin's recent advertising campaign and requested that a financial analysis be prepared by the Township. He raised various questions and concerns regarding the ordinances that are before Council this evening.

Ms. Geevers noted that she agreed with Mr. Morgan that a financial analysis needs to be prepared.

President Khanna addressed Mr. Morgan's questions and concerns. He advised that Administration provided the data that Mr. Morgan is looking for and requested that Administration meet with Mr. Morgan to provide him with the information received by Council at the Closed Session of July 28th when Mr. Morgan was unable to attend.

Discussion ensued over the financial data received from Administration.

Ms. Ciccone advised that there has been a request to Administration for a financial analysis which they have started to prepare. She explained that Administration will submit additional financial data as the project moves forward.

Mr. Hary advised that at the closed session held last week, he presented financial information indicating that the project would be tax positive, but that it is too early in the process to determine how tax positive it would be.

Mr. Borek noted that Judge Feinberg set the timeframe and the Council had little ability to discuss the matter before introduction. He explained that the next step in the process is that the ordinances go to the Planning Board for review and then come back before Council for the Public Hearing in September. Mr. Borek advised that he hopes additional information will be forthcoming.

Mr. Borek announced "National Night Out Against Crime" on Tuesday, August 2nd at Community Park from 5:00 p.m. to 9:00 p.m.

Ms. Ciccone advised that residents have seen the advertisement sent out by Mr. Goldin. She explained that she wants to set the record straight for the community and proceeded to outline events back to March 2009. She noted that Council supports redevelopment and has continued to work towards a resolution to this litigation, which has cost the Township to date \$153,000. Ms. Ciccone advised that Council has had executive sessions, and has given parameters and guidelines to the negotiating team on many occasions. She noted that the residents of West Windsor want the Township to review each detail to make sure that this is the best Settlement Agreement for the Township.

President Khanna thanked everyone for all the comments both "for" and "against" and commended everyone who has worked on this project over the years. He advised that the professionals were given a charge for negotiating and received guidelines throughout the process. President Khanna reviewed the events to date. He noted it was his decision not to place the ordinances on for introduction until this evening because members of Council had questions and concerns pertaining to the ordinances and it was his responsibility to get the answers. He advised that Council's questions and concerns were addressed last week and now the ordinances are before Council for introduction.

Ms. Geevers again voiced her opposition regarding the reduction in the number of parking spaces and noted that the number of parking spaces per housing unit should be determined by the Planning Board.

Mayor Hsueh advised that he appreciates all the time spent by Council on getting this process resolved. He noted that it is a compromise by all parties concerned. Mayor Hsueh advised that a more comprehensive plan and financial analysis will be completed during site plan review. Mayor Hsueh also noted his disapproval with Mr. Goldin's recent campaign.

Motion to amend the order of the agenda to move Ordinances 2011-16 and 2011-17 forward on the agenda: Borek

Second: Ciccone

VV: All approve

ORDER OF AGENDA AMENDED

2011-16 AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR PRINCETON JUNCTION AND THE CODIFYING PROVISIONS THEREFOR AND AMENDING CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)

Motion to introduce: Borek

Second: Ciccone

RCV: aye Borek

aye Ciccone

NAY Geevers

NAY Morgan

aye Khanna

Ms. Huber announced that the public hearing is scheduled for the Business Session on September 19, 2011.

2011-17 AN ORDINANCE CREATING A MIXED USE PRINCETON JUNCTION
TRAIN STATION DISTRICT AND AMENDING CHAPTER 200 OF THE
CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)

Motion to introduce: Borek

Second: Ciccone

RCV: aye Borek

aye Ciccone

NAY Geevers

NAY Morgan

aye Khanna

Ms. Huber announced that the public hearing is scheduled for the Business Session on September 19, 2011.

Ms. Geevers advised that tentatively the Planning Board has scheduled this matter for discussion at their August 17th meeting.

ORDER OF AGENDA RESUMED

PUBLIC HEARING

2011-12 AN ORDINANCE AUTHORIZING THE ACQUISITION OF A SIDEWALK
EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FROM
SCHLUMBERGER TECHNOLOGY CORPORATION LOCATED AT BLOCK
6.20, LOT 20 - Wallace Road

President Khanna opened the public hearing. Mr. Hary gave a brief explanation of the ordinance before Council.

Mr. Al Lerner, 67 Rainflower Lane, noted it would have been a nice gesture for Schlumberger Technology Corporation to take no payment for this sidewalk easement.

Mr. Hemi Nae, 11 Wycombe Way, voiced his opposition to Schlumberger taking payment for the easement.

Motion to close public hearing: Borek

Second: Ciccone

RCV: aye Borek
aye Ciccone
aye Geevers
aye Morgan
aye Khanna

Motion to adopt: Borek

Second: Ciccone

RCV: aye Borek
aye Ciccone
aye Geevers
aye Morgan
aye Khanna

2011-13 AN ORDINANCE AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY AND A SLOPE EASEMENT FROM TRUSTEES OF PRINCETON UNIVERSITY LOCATED ON BLOCK 4, LOT 6 - Alexander Road

President Khanna opened the public hearing. Mr. Hary gave a brief explanation of the ordinance before Council.

Motion to close public hearing: Borek

Second: Ciccone

RCV: aye Borek
aye Ciccone
aye Geevers
aye Morgan
aye Khanna

Motion to adopt: Borek

Second: Geevers

RCV: aye Borek
aye Ciccone
aye Geevers
aye Morgan
aye Khanna

2011-14 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$3,452,925 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,288,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

President Khanna opened the public hearing. Mr. Hary gave a brief explanation of the ordinance before Council.

Ms. Alison Miller, 41 Windsor Drive, voiced her support for the ordinance.

Mr. Al Lerner, 67 Rainflower Lane, advised that this is the first step towards additional parking for residents at the train station.

Motion to close public hearing: Borek

Second: Ciccone

RCV: aye Borek
 aye Ciccone
 aye Geevers
 aye Morgan
 aye Khanna

Motion to adopt: Geevers

Second: Borek

RCV: aye Borek
 aye Ciccone
 aye Geevers
 aye Morgan
 aye Khanna

2011-15 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY, APPROPRIATING THE AMOUNT OF \$5,000

President Khanna opened the public hearing. Mr. Hary gave a brief explanation of the ordinance before Council and advised that this project is fully funded from proceeds received by WaterWorks.

Motion to close public hearing: Ciccone

Second: Geevers

RCV: aye Borek
aye Ciccone
aye Geevers
aye Morgan
aye Khanna

Motion to adopt: Ciccone

Second: Geevers

RCV: aye Borek
aye Ciccone
aye Geevers
aye Morgan
aye Khanna

CONSENT AGENDA

RESOLUTIONS

2011-R151 Refund of Overpaid Property Taxes

MINUTES

June 20, 2011 - Closed Session

June 27, 2011 - Closed Session

June 27, 2011 - Business Session

BILLS & CLAIMS

Motion to approve consent agenda: Ciccone

Second: Geevers

RCV: aye Borek*
aye Ciccone
aye Geevers
aye Morgan
aye Khanna

* Mr. Borek abstained from voting on the June 20th and June 27th meeting minutes.

RECOMMENDATIONS FROM ADMINISTRATION

2011-R152 Requesting Approval of the Insertion of the 2011 Over
the Limit Under Grant in the 2011 Municipal Budget-
\$4,400.00

2011-R153 Authorizing the Reappointment of Sockler Realty
Services Group Inc. for Various Valuation Analysis for
Tax Appeal Defense through December 31, 2011 -
\$5,000.00

2011-R154 Authorizing the Reappointment of Harry Haushalter,
Esquire as Special Tax Counsel for Tax Appeal Defense
through December 31, 2011 - \$10,000.00

2011-R156 Authorizing the Reappointment of Phoenix Advisors, LLC
as Financial Advisor through December 31, 2011 -
\$1,900.00

2011-R157 Authorizing the Reappointment of McManimon & Scotland
L.L.C. as Bond Counsel through December 31, 2011

2011-R158 Authorizing the Reappointment of Ruderman & Glickman
as Labor Counsel and Related Legal Services for the
Term July 1, 2011 through December 31, 2011 -
\$9,070.00

2011-R160 Authorizing the Closeout of Terminated Contract with
LTI Inc. for the Project Known as 2011 Public Lands
Maintenance Turfgrass and Stormwater Detention Basins

2011-R161 Endorsement of the Removal of Green Acres Restrictions
and Easements to Reconstruct the Old Trenton Road
Bridge Crossing the Assunpink Creek Near Edinburg

Ms. Geevers and Ms. Ciccone requested that Resolutions 2011-R155
and 2011-R159 be pulled for further discussion.

Motion to approve resolutions 2011-R152 through 2011-R154; 2011-R156 through 2011-R158; and 2011-R160 and 2011-R161: Borek

Second: Ciccone

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

2011-R159 Affirming the Township's ongoing Support for and Commitment to New Jersey Remaining Part of the Regional Greenhouse Gas Initiative (RGGI)

Ms. Geevers asked that having this come before Council at an Agenda Session for discussion prior to voting on this matter. She also asked that background material be given to Council Members.

Mr. Hary advised that the Environmental Commission and Administration endorse this action.

Ms. Ciccone advised that the Environmental Commission Chair Mike Hornsby is in the audience and could answer questions if necessary. She noted that this is asking the Governor to continue supporting greenhouse gas initiatives in New Jersey.

Mr. Mike Hornsby, Environmental Commission, Chairperson, advised that the resolution before Council is modeled directly from the resolution approved by the New Jersey Assembly and State Senate.

Motion to approve: Ciccone

Second: Borek

RCV: aye Borek

aye Ciccone

NAY Geevers

aye Morgan

aye Khanna

2011-R155 Authorizing the Reappointment of William E. Antonides
and Company as Municipal Auditor through June 30, 2012
- \$43,842.00

Ms. Ciccone inquired as to why this professional services agreement was not changed to December 31st, 2011 as were the others.

Mr. Hary explained that due to the nature of their work Ms. Louth requested that these services remain on the July 1 to June 30th schedule.

Motion to approve: Borek
Second: Geevers
RCV: aye Borek
aye Ciccone
aye Geevers
aye Morgan
aye Khanna

INTRODUCTION OF ORDINANCES

2011-18 AN ORDINANCE AUTHORIZING THE ACQUISITION OF A SIDEWALK
EASEMENT FROM WESLEY F. MOSTELLO LOCATED AT BLOCK
17.18, LOT 151 - 168 Penn Lyle Road

Motion to introduce: Borek
Second: Ciccone
RCV: aye Borek
aye Ciccone
aye Geevers
aye Morgan
aye Khanna

Ms. Huber announced that the Public Hearing for this ordinance will be at the Business Session of August 15, 2011.

2011-19 AN ORDINANCE AUTHORIZING THE ACQUISITION OF A
SIDEWALK EASEMENT FROM GERMAN AND CLAUDIA DELCID
LOCATED AT BLOCK 17.18, LOT 149 - 572 Village Road,
West

Motion to introduce: Borek

Second: Geevers

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

Ms. Huber announced that the Public Hearing for this ordinance will be at the Business Session of August 15, 2011.

COUNCIL REPORTS

Ms. Geevers reported on Planning Board actions. She noted that she attended the West Windsor-Plainsboro Board of Education meeting and that they discussed what to do with the additional State Aid funding received. She suggested that the Board of Education use it for tax relief for taxpayers.

Ms. Ciccone thanked the Environmental Commission for their continued hard work for West Windsor.

Deputy Township Clerk Huber announced that at 10:00 a.m. this day she publicly announced that MARKETFAIR HOLDINGS LLC was the only bidder for the new Plenary Retail Consumption License. She advised that the Township Clerk will open and announce the bid amount on Monday, August 8th at 10:00 a.m.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, voiced his concerns that Judge Feinberg is dictating when Council must act on items relating to the Settlement Agreement. He also noted that the financial analysis of the InterCap project should be shared with residents.

Mr. Andrew Hersh, 27 Halstead Place, commented on the Mayor's comments regarding school age children in Windsor Haven, and suggested that Professional Services have Requests For Qualifications (RFQ's) done on a yearly basis.

Mr. Al Lerner, 67 Rainflower Lane, spoke about the statistical analysis of school children and the concerns that individuals have with regard to the redevelopment area.

ADJOURNMENT

Motion to adjourn: Borek
Second: Ciccone
VV: All approved
The meeting was adjourned at 9:54 p.m.

Sharon L. Young
Township Clerk
West Windsor Township