

APPROVED: April 25, 2011

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
March 7, 2011

CALL TO ORDER: President Khanna called the meeting to order at 7:05 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 telephone 7:40 p.m. to 11:15 p.m.); Mayor: Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Deputy Township Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

President Khanna acknowledged that Senator Linda Greenstein, Assemblyman Dan Benson, and Mercer County Freeholders Pat Colavita, John Cimino, and Samuel Frisby, and various Municipal Department Heads and Volunteers.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

State of the Township Address

Mayor Hsueh presented his tenth State of the Township Address and outlined the 2010 accomplishments and spoke of the goals for 2011. He recognized three residents who have volunteered their time and talents to West Windsor: Charles Appelget for his involvement with West Windsor Volunteer Fire Company for over fifty years; Joseph Zuccarello for his involvement with Princeton Junction Volunteer Fire Company for over forty years; and Mel Sanders for his involvement with Twin W Rescue Squad for over twenty-five years of service. All three were presented with a plaque in appreciation for their service to the community.

Motion to take a five-minute break at 7:35 p.m.: Borek
Second: Ciccone
VV: All approved, Morgan-absent

Mr. Morgan was called in at 7:40 p.m. via teleconference to participate in the remainder of the Council Meeting.

President Khanna requested that the order of the agenda be amended to place the Public Hearings for the ordinances after Council Recommendations.

Motion to amend the order of the agenda: Geevers
Second: Ciccone
VV: All approved

PUBLIC COMMENT

President Khanna requested that only non-agenda items be presented during Public Comment this evening. He advised that residents will have an opportunity to speak about agenda items as the Council reviews each one.

Ms. Lindsay Diehl, 3 Grovers Court, voiced her comments on the Morgan vs Hsueh lawsuit and noted that she has started a petition to have this action stopped.

Mr. Andy Bromberg, 24 Providence Drive, voiced his concerns about the "senseless lawsuits" filed by Charles Morgan against Mayor Hsueh. He requested the Council to stop him from continuing these actions.

Ms. Kristina Samonte, 16 Caleb Lane, voiced her opposition to Mr. Morgan's lawsuits against Mayor Hsueh. She asked the Council to come to a solution.

Mr. Pete Weale, 144 Fisher Place, noted that he came to the meeting this evening to hear the Mayor's State of the Township Address. He requested a complete report on redevelopment expenses and noted that he tried several years ago to have the question placed on the November Election ballot of whether to do redevelopment at the train station.

MAYOR/ADMINISTRATOR COMMENTS

Mr. Hary advised that there is new legislation regarding reduction in emissions by diesel vehicles and that the Public Works Director, Alex Drummond, is currently working on a plan to comply by summer. He reported that the Princeton Junction Volunteer Fire Company has received for the sixth consecutive year a grant to help purchase equipment for the Company. Mr. Hary advised that this not only helps the fire company but the Township as well in reducing costs to the residents of the community.

Mr. Hary listed the upcoming projects that will be starting this Spring.

COUNCIL MEMBER COMMENTS

Ms. Geevers advised that she hopes Mr. Morgan will drop the lawsuit against the Mayor and noted that enough taxpayer funds have been expended on this matter.

Mr. Borek requested that Mr. Morgan drop his lawsuit. He again acknowledged the volunteers honored this evening for their dedication.

Ms. Ciccone advised that it is not productive to spend time speaking about litigation. She also commended the three volunteers acknowledged this evening by Mayor Hsueh.

President Khanna advised that the litigation has cost the Township a lot of money and noted that there are five members of Council and each approaches the issues differently. He strongly urged that the lawsuit be dropped unconditionally. President Khanna thanked the three volunteers for their dedicated service to the residents of West Windsor.

ORDER OF THE AGENDA AMENDED

CONSENT AGENDA

RESOLUTIONS

2011-R058 Determining Eligibility of Mr. McClenahan, a Volunteer Firefighter with Princeton Junction Fire Department, for Volunteer Emergency Worker's Survivors Pension

2011-R059 Authorizing the Township Treasurer to Release the Performance Bond from New Jersey American Water Company for Street Opening Permits No. 2009-14 and 2009-15

2011-R060 Authorizing the Refund of Permit Fee Overpayment- Permit #20101871 - Avalon Bay Communities

MINUTES

February 7, 2011 - Closed Session

BILLS & CLAIMS

Motion to approve consent agenda: Geevers

Second: Borek

RCV: aye Borek

aye Ciccone

aye Geevers

aye Morgan

aye Khanna

RECOMMENDATIONS FROM ADMINISTRATION

2011-R061 Approving a Budget Transfer to Provide for the
Transfer of Funds within the 2010 Municipal Budget

Motion to approve: Borek

Second: Ciccone

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

2011-R062 Granting the Request for a Full Release of Performance
Guarantees to the Church of Saint David the King for
Private Site Improvements-PB08-07

Motion to approve: Ciccone

Second: Borek

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

2011-R063 Authorizing the Mayor and Clerk to Execute an Inter-
Local Agreement with East Windsor Township for Animal
Control Services

Mr. Ben Kuller, 5 Berrien Avenue, read a prepared speech by Mr. Arthur Harvey of 8 Berrien Avenue who could not be present this evening, supporting the Animal Control Officer's position. Mr. Kuller also noted he is in favor of keeping Ms. Roed's position and advised of his various reasons for supporting the position.

Ms. Nancy Bennett, 29 Fieldston Road, spoke to the practical aspect of keeping the ACO's full-time position instead of going to shared services.

Ms. Kim White, 54 Montgomery Street, voiced her opposition to the shared services agreement and recommended to keep Ms. Roed as the ACO. She strongly urged the Council to vote "NO".

Mr. David Barberich, Local Shop Steward 1032, voiced his concern that the position of ACO is needed in West Windsor and that the Township will be sacrificing a level of service by a dedicated employee. He requested that the Council not rush into this decision.

Ms. Sandra McGraw, CWA 1032 Staff Representative, voiced her opposition to the shared services agreement with East Windsor, and noted that this matter should be reviewed further. She advised that Ms. Roed is passionate about her job and requested that the Council vote "NO" on this resolution.

Ms. Tatiana Verenicin, 118 N. Barrow Place, voiced her support in keeping the ACO position.

Ms. Emily Epstein, 42 Lakeshore Drive, urged that the position of ACO should continue in the Township. She requested Council to vote "no" on the resolution.

Dr. Hugh Hondorp, 251 Hickory Corner Road, Founder of A.F.E.W., voiced his support for keeping the ACO in West Windsor and requested Council to vote "NO" on the resolution.

Ms. Marilyn Hondorp, 251 Hickory Corner Road, voiced her support for keeping the ACO position in West Windsor.

Ms. Geever advised that it is not a question of dedication; the issue is more about economics since Plainsboro pulled out of the Township's Shared Services Agreement with West Windsor Township. She noted it is important to move forward with the Shared Services Agreement with East Windsor for this service.

Ms. Ciccone noted that she suggested other alternatives be found for this position.

Motion to approve: Borek

Second: Geever

RCV: NAY Ciccone

aye Geever

aye Morgan

NAY Borek

aye Khanna

COUNCIL RECOMMENDATIONS

2011-R064 Urging the Legislature to Oppose A-3766/S-2664 "Market Competition and Consumer Choice Act" until Amendments are made and there has been an Opportunity for all Stakeholders to Analyze the Impact of these Proposals

2011-R065 Authorizing the Person-to-Person Transfer of the Plenary Retail Consumption Liquor License from Brinker New Jersey to OTB Acquisition of New Jersey, LLC

2011-R066 Authorizing Amendments to Chapter A205 Council Procedural Guidelines of the Code of the Township of West Windsor, Rule 10 Appointments

Motion to approve resolutions 2011-R064 through 2011-R066:
Cicccone

Second: Borek

RCV: aye Cicccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

PUBLIC HEARINGS

2011-04 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)

Mr. Herbert gave a brief overview of the two Planning Board Hearings. He read a draft resolution prepared by Mr. Muller and himself into the record outlining the Planning Board's recommendations and responses to each issue. He requested that this resolution be considered after the Public Hearings for Ordinances 2011-04 and 2011-05.

President Khanna opened the public hearing.

Mr. John Church, 11 Princeton Place, voiced his concerns about adding the resolution to the agenda and adopting the

redevelopment ordinances. He requested a fiscal impact study be done prior to adopting the ordinances.

Mr. Al Lerner, 67 Rainflower Lane, voiced his support for passing the ordinances this evening and encouraged Council to vote "Yes".

Mr. Mike Baxter, 6 Landing Lane, spoke about the need for a financial impact study being prepared prior to the approval of the ordinances. He again advised that the redevelopment project would increase taxes to residents. Mr. Baxter noted concerns with both the COAH regulations and the potential for increased flooding in the area. He recommended that a study be prepared for school and roadway impacts.

Ms. Alison Miller, 41 Windsor Drive, noted that since Council approved the Settlement Agreement with InterCap Holdings, they must support the two ordinances before them this evening. She voiced her concerns again about secure parking for residents' bicycles and the approval of non-profits within the redevelopment area.

Ms. Jean Jacobsohn, 13 Benford Drive, West Windsor Township Affordable Housing Committee, Chairperson, noted that the Affordable Housing Committee has concerns regarding the 5% set aside for affordable housing units. She advised that the Township's policy regarding the disbursement of affordable housing units throughout a development is not being adhered to.

Ms. Heidi Kleinman, 131 South Mill Road, voiced her concerns about the affordable housing element of the ordinances and asked where on the timeline does the fiscal analysis report appear. She inquired if there is a written report from the West Windsor Bicycle and Pedestrian Alliance on their recommendations for the redevelopment area.

Ms. Joan McGee, Stony Brook Millstone Watershed Association, voiced her concern with storm water runoff and increased flooding in the redevelopment area because of the impervious cover up to 95% of this area. She noted her concern about the preservation of open space and the Sarnoff Woods.

Mr. Bob Akens, 32 Windsor Drive, noted the need for a financial impact statement to be completed prior to approval of the ordinances. He voiced several concerns regarding the redevelopment plan.

Ms. Janet Lerner, 67 Rainflower Lane, voiced her support of redevelopment in West Windsor and noted the Township should continue to move the project forward.

Motion to close the public hearing: Ciccone

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

Mr. Herbert addressed the comments from the public.

Mr. Borek advised it makes sense to approve these ordinances this evening.

Mr. Morgan noted that Mr. Herbert has done a good job with the resolution outlining the Planning Board's recommendations and responses to each item. He noted his support to move the ordinances forward.

Ms. Geevers voiced her concerns with Ordinance 2011-04 and advised she does not understand why the Township needs to take this action at this time. She again noted the need for a fiscal impact study that should be provided by InterCap prior to approving the ordinances. Ms. Geevers also noted concern about the 5% commitment for affordable housing.

Mr. Herbert advised that InterCap has advised it will provide a fiscal impact report at the Site Plan Review level.

Ms. Ciccone noted she is also concerned about the unavailability of a fiscal impact study and noted that InterCap's attorney has told the Council to "take it" or "leave it". She advised that she would like a definition of "bedroom" included in the ordinance. Ms. Ciccone agreed with all the recommendations of

the Planning Board and inquired if the Council can adopt the Planning Board report.

Mr. Herbert again advised that there are no inconsistencies with the ordinances and that Council could adopt the Planning Board recommendations.

Motion to adopt the recommendations of the Planning Board and integrate them into Ordinances 2011-04 and 2011-05: Ciccone
Second: Geevers

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

Motion to adopt Ordinance 2011-04: Borek
Second: Morgan

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

2011-05 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)

President Khanna opened the public hearing.

Mr. John Church, 11 Princeton Place, inquired about what happens if the fiscal impact analysis is found to be tax negative. He suggested hiring an independent counsel to review the report. Mr. Church again voiced his concern with whether New Jersey Transit will approve a second crossing, and if not what impact will this have on the project.

Ms. Joan McGee, Stony Brook Millstone Watershed Association, inquired about the timeline for the project.

Mr. Herbert advised that the Hearing for InterCap is scheduled before Judge Feinberg on April 5th and that all property owners have been notified and can be heard at that time.

Ms. Alison Miller, 41 Windsor Drive, asked if advocates for affordable housing will be able to speak at the InterCap Hearing on April 5th.

Mr. Herbert advised that he hopes the Township can convince the developer to build an additional forty affordable housing units within the redevelopment area. He noted that currently the Township exceeds their affordable housing contributions.

Mr. George Gati, 71 Danville Drive, thanked Council members for all the time and effort they have given this project over the years and voiced his support for the ordinances.

Mr. Al Lerner, 67 Rainflower Lane, voiced his support for approving the ordinances and noted his views on the Planning Board recommendations.

Mr. Mike Baxter, 6 Landing Lane, noted that the Planning Board process was done very professionally.

Motion to close public hearing: Borek

Second: Geevers

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

Motion to adopt Ordinance 2011-05: Borek

Second: Morgan

Discussion:

RCV: NAY Ciccone

NAY Geevers

aye Morgan

aye Borek

aye Khanna

President Khanna requested a motion to add resolution 2011-R067 to the agenda.

Motion to add Resolution 2011-R067 to the agenda: Morgan

Second: Borek

RCV: aye Ciccone

aye Geevers

aye Morgan

aye Borek

aye Khanna

2011-R067 Resolution Addressing Planning Board Recommendations
Regarding Ordinance 2011-05

Ms. Geevers advised that Council just received the resolution this afternoon and that the public did not have time to review prior to this evening's meeting.

Ms. Ciccone commended Mr. Herbert for his quick response to the Planning Board resolution, which was not received until last Friday afternoon.

WHEREAS, the West Windsor Township Council introduced Ordinances 2011-04 and 2011-05 to implement the Settlement Agreement with Intercap Holdings which had been approved by Resolution 2010-R256 on November 22, 2010; and

WHEREAS, Ordinance 2011-05 set forth the land use standards that would be applied to the 24.5 acre Intercap site and that Ordinance amended the Redevelopment Plan for the Princeton Junction redevelopment area (hereinafter "Redevelopment Plan"); and

WHEREAS, on January 19, 2011, both the aforesaid Ordinances were transmitted to the West Windsor Township Planning Board (hereinafter "Board") for a review of such Ordinances pursuant to N.J.S.A. 40:55D-26; and

WHEREAS, *N.J.S.A.* 40:55D-26 provides that the Board shall make a report and recommendations, concerning a proposed Land Use Ordinance including identifying any provisions of the development regulations inconsistent with the Master Plan and other matters as the Board deems appropriate; and

WHEREAS, the Board determined to retain separate consultants to assist it in this review; which consultants prepared reports to the Board, which were the subject of Board hearings on February 23 and March 2, 2011; and

WHEREAS, in the late afternoon of Friday, March 4, 2011, the Planning Board sent its report in the form of a Resolution of inconsistencies to the Council; and

WHEREAS, the Settlement Agreement with Intercap required consideration for final approval of Ordinance 2011-05 by the Council no later than March 7, 2011; and

WHEREAS, *N.J.S.A.* 40:55D-26 requires the Council to review the report of the Board and may disapprove or change any recommendation in such report by a vote of a majority of its full membership and shall record in its minutes the reasons for not following said recommendations; and

WHEREAS, the Township Council has reviewed the Board Resolution, whose recommendations are fully set forth herein and makes the following responses to those recommendations.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the
Township of West Windsor as follows:

1. After careful review and consideration of the Board Professional's reports and in view of the Board's familiarity with the West Windsor Township Master Plan and the Princeton Junction Redevelopment Plan, the Board finds that the proposed implementing Ordinance is inconsistent with the Master Plan as it includes the Princeton Junction Re-development Plan and the espoused intent, purpose and goals of the plan related to District 1.

Response: When the Council introduced Ordinance 2011-05, it took note of the fact that inconsistencies with the Redevelopment Plan were already identified and contained in that Ordinance. The Ordinance amends the Ordinance approving the Redevelopment Plan and therefore there are no inconsistencies. Therefore it was unnecessary for the Board to identify such inconsistencies, which are already contained within the text of Ordinance 2011-05.

- a. Goal 1 in the Re-development Plan states that the Plan will result in development which is tax positive or tax neutral. The Planning Board recommends that the Township Council obtain a developed and updated fiscal impact report in order to establish that the development regulation which is proposed will result in a tax positive or tax neutral financial impact upon the municipality;

Response: The redeveloper has committed itself to complying with Goal 1 of the Redevelopment Plan at the time it is seeking site plan approval. The Redevelopment Plan does not require that the fiscal report be submitted at the time of the implementing Ordinance.

- b. Goal 3 of the Re-development Plan requires compliance with COAH growth share requirements. While the Board recognizes that the Growth Share requirements are no longer valid, it also recognizes that it is likely to be replaced by a 10% - 20% affordable housing share

requirement. The proposed implementing Ordinance and agreement require a 5% share of affordable housing or inclusionary housing units on site. The Planning Board recommends that the agreement and implementing Ordinance be modified to require the developer of District 1 to satisfy any and all inclusionary housing requirement which may be imposed upon West Windsor Township pursuant to then existing regulation entirely on site. Such a requirement will thereby ensure that West Windsor Township will not be exposed to any future costs and/or expense associated with satisfying any inclusionary housing requirements generated by present or future regulation as a result of the development of District 1;

Response: As to whether the Growth Share requirements will be replaced by a requirement of 10% to 20% is speculative. However, in the event a reviewing Court determines that the 5% share for Affordable Housing is insufficient to satisfy Mt. Laurel obligations, the Township will not be obligated to assume a higher percentage of Affordable Housing. In that event, the settlement will end or the redeveloper will be asked to assume more of an Affordable Housing obligation. Finally, the requirement that all Affordable Housing must be satisfied entirely on the 24.5 acre Intercap site would preclude the possibility of allowing the redeveloper to increase the 5% of Affordable Housing share to a higher amount at a different appropriate site within the Redevelopment area.

- c. Goal 11 of the Re-development Plan states that no streets will cross through the Promenade leaving a continuous open space within the Promenade. The proposed implementing Ordinance provides and permits cross streets within the Promenade. The Planning Board recommends that the cross streets be eliminated to preserve the intended character of the Promenade.

Response: If the cross streets presents a health and safety problem then they can be eliminated in whole or in part at site plan review.

- d. Goal 11 of the Re-development Plan prohibits new single story single use structures. The Planning Board recognizes that the proposed implementing Ordinance would permit a single story retail and restaurant building on the Promenade, as well as, a single story retail kiosk. The Planning Board recommends that the goals of the Re-development Plan be modified in order to permit the proposed single story structures as the Board Members recognizes the merit of the Board Planner's recommendation that such use will enhance the architectural and aesthetic appearance of the development.

Response: The Planning Board has concurred with the merits of allowing a single story retail structure near the Kiosk and the terms of Ordinance 2011-05 adopting a different standard than the Redevelopment Plan.. As noted, in the Planning Board hearings, this structure is intended to accommodate another 30,000 square feet of retail in the event certain occupancy standards are met within the original 70,000 square feet of retail space.

- e. Goal 13 of the Re-development Plan prohibits residential market units with more than two bedrooms. The proposed implementing Ordinance provides for an "average" of two bedrooms. The Planning Board recommends that the implementing Ordinance be modified to require that all market rate units contain a maximum of two bedrooms in order to avoid an unintended parking and traffic impact which may be posed by units with 3 or more bedrooms and in order to provide certainty as to the types of housing units which will be developed within the District.

Response: Section 1G of Ordinance 2011-05 states that the residential units will have an average of two bedrooms. The Council believes that the "averaging" of two bedrooms allows for diversity of residential units and is a sound approach. It is expected that many of the units would be one bedroom while others will exceed two bedrooms as long as the average is two bedrooms. Another issue that was discussed at the Planning Board hearings was the concern that "bedroom" be defined to avoid the redeveloper from using a den, study or an office as an additional bedroom. Planning Board counsel Jerry Muller addressed that concern on page 3 of his January 11, 2011 transmittal memorandum, stating that the Township will use such mechanisms as deed restrictions or provisions in the Homeowners' Association documents to ensure compliance with the two bedroom average.

- f. The Board recognizes that one of the overall goals of the Re-development Plan was to provide appropriate retail in the proposed transit village. The Board recognizes that the proposed implementing Ordinance and settlement agreement provide for a minimum of 70,000 square feet of retail space with a maximum of 147,500 square feet of retail space. The Board recommends modification of the implementing Ordinance to ensure the development of significantly more retail space in order to further promote satisfaction of the Re-development Plan goals and the future success of the Promenade/Shared Use road.

Response: The developer originally intended to have 350,000 square feet of commercial office space on the site. The Council rejected that position and ultimately a maximum of 147,000 square feet of retail space is currently allowable in Ordinance 2011-05, with only small offices (e.g. professional offices) allowed. Although Council joins the Board in hoping for more retail space, this amount appears to permit a proper balance to proceed with the Town Center concept.

- g. The Board recognizes that the proposed implementing Ordinance and Re-development Plan currently provides for a shared road concept which has been referred to often as the Promenade. Based on the recommendations of the Board's Traffic Engineer and in view of the Board's concerns regarding traffic, the Planning Board recommends that the implementing Ordinance be modified to permit and require a more typical Main Street concept with a dedicated cart way, and pedestrian and bicycle paths. The Board does not believe that it is ultimately necessary to establish such separation with curbing and suggests that the modified goals may be achieved through creative development techniques including traffic calming devices and other physical separation. The Board also recommends that the shared use road concept be optional.

Response: There appears to be a misconception about the nature of the Promenade. There will be no auto traffic on the Promenade. Further, the dedicated cartway is separated from the pedestrian paths by bollards, parking spaces and other improvements. (See page 13 of the Pattern Book.) Finally, the shared use road concept has already been reviewed by the Bicycle and Pedestrian Task Force and found to be acceptable.

- h. The Board recognizes that the proposed implementing Ordinance and Re-development Plan currently provides for sign regulation which is not in accordance with existing sign regulation applicable throughout the Township. The Board recommends that the proposed Ordinance be modified to require compliance with the existing Township sign regulation which is currently applicable to signage throughout the Township and as modified from time to time by the Township Council.

Response: There is no inconsistency between the signage standards set forth in Ordinance 2011-05 and the Redevelopment Plan. Attached to this Resolution are pages 68 and 69 of the Redevelopment Plan identifying the types of signage permitted in all redevelopment districts, including the Intercap site. These standards were incorporated in Ordinance 2011-05.

BE IT FURTHER RESOLVED that the Township Clerk record this Resolution in the minutes of the Council meeting in accordance with N.J.S.A. 40:55D-26.

Motion to approve Resolution 2011-R067: Morgan

Second: Borek

RCV: NAY Ciccone

NAY Geevers

aye Morgan

aye Borek

aye Khanna

2011-06 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR PUBLIC LAND MAINTENANCE AND OTHER RELATED EXPENSES IN OR FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$380,000.00

President Khanna opened the public hearing.

Motion to close public hearing:

Second:

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

2011-07 AN ORDINANCE CONVEYING PROPERTY BY A DEED
CONSOLIDATING TAX LOTS INTO A NEW TAX LOT 17.01, BLOCK
6 IN THE TOWNSHIP OF WEST WINDSOR, MERCER COUNTY, NEW
JERSEY - West Windsor Compost Facility - 881 Alexander
Road

President Khanna opened the public hearing.

Motion to close public hearing: Ciccone

Second: Borek

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

COUNCIL REPORTS/COMMENTS

Mr. Borek noted that the approval of Resolution 2011-R058 shows the volunteers of the Township that the Council supports them.

Ms. Geevers advised that she also appreciates the service that Mr. McClenahan gave to the Township and thanked all of the volunteers for their service to the community.

Ms. Ciccone noted it is the right thing for Council to approve Resolution 2011-R058. She noted that there have been some very tough decisions that had to be made this evening. Ms. Ciccone wants to make it clear that she supports redevelopment.

ADMINISTRATION UPDATES

Mr. Hary handed out a draft document as requested by Council at the budget meeting. He advised that there are several scenarios for Council to review. Mr. Hary noted that he and the Mayor remain firm that the budget presented to Council is an appropriate budget.

President Khanna reported that the next budget discussion will be held during the Agenda Session on March 14th.

ADDITIONAL PUBLIC COMMENT

Mr. John Church, 11 Princeton Place, noted he is not against redevelopment, but wants to see the right kind of redevelopment done. He again noted several concerns within the proposed InterCap plan and the impact it will have on the Township.

Ms. Alison Miller, 41 Windsor Drive, suggested that the Affordable Housing Committee hold a special meeting when needed to review applications before the Planning Board.

Motion to extend the clock to 11:30 p.m.: Borek
Second: Ciccone
VV: All approved

CLOSED SESSION

Motion to go into closed: Borek
Second: Geever
VV: All approved

Ms. Huber 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 InterCap litigation, and Morgan vs Hsueh litigation.

MEETING RECONVENED

Meeting reconvened at 11:24 p.m.

ADJOURNMENT

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

The meeting was adjourned at 11:24 p.m.

Sharon L. Young
Township Clerk
West Windsor Township