

WWT PLANNING BOARD/TWP.COUNCIL w/WWPA
JANUARY 9, 2008

The first January meeting of the WWT Planning Board was held jointly with the Township Council and WW Parking Authority on Wednesday, January 9, 2008 in the Senior Center, Clarksville Road, with Council President W. Anklowitz and PB Chair calling their meetings to order at 7:00 p.m.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place and agenda was mailed to the news media, posted on the township bulletin board and filed with the Municipal Clerk.

Twp Council

Members William Anklowitz, President; Robert Borek, Linda Geevers,
Heidi Kleinman, Charles Morgan
Counsel Michael Herbert
Twp. Admin Chris Marion

Planning Board

Members Chuck Chang, Shing-Fu Hsueh, Robert Loverro, Charles Morgan,
Simon Pankove, Martin Rosen, Larry Rubinstein, Steve Decter, Vice-
Chair, Marvin Gardner, Chair
Alternate Diane Ciccone
Counsel Gerald Muller
Land Use Sam Surtees

WW Parking Authority

Member Andrew Lupo, Alison Miller, Ron Rumack, Lyle Girandola
Counsel Robert Schwartz

Salute to the Flag followed.

W. Anklowitz, Council President, called the meeting to order.

Public Comment

L. Geevers commented that the last two items on the agenda should be considered in open session; namely, the Resolution regarding the Parking Authority's role and the agreement on the Funding Authorization.

The agenda was amended accordingly on a voice vote approval of the Twp. Council.

Motion by H. Kleinman, seconded by G. Borek to go into Closed Session to discuss contracts/negotiations/consultant services. TC VOICE VOTE APPROVAL

Motion by M. Gardner, seconded by L. Rubinstein to go into Closed Session to discuss contracts/negotiations/consultant services. PB VOICE VOTE APPROVAL

Closed Session followed.

Upon a motion by both bodies to go into open session and Counsel Muller's affirmation that the discussion should be open as the kind of analysis needed to move forward did not constitute contract negotiations.

H. Kleinman stated that the Madden/Davies report said to pick a Hillier plan. This was reported at Planning Board. TC picked one. If nine members feel they're not satisfied to start a conversation, respond. TC looked at the proposal from Madden/Davies as naïve to think about putting up a garage –as not in a real place. It is in a real place! They're looking at a more comprehensive plan automatically. They said they can't have a full discussion and quality information about whether or not they think it works unless there's a broader discussion. That's where the \$100,000 is going.

D. Ciccone said the board did not talk about a plan. We wanted to make sure the money was on board. This has not come back to us. We feel its time to talk about the scope of services and then finding out they want more money. We never said how many scenarios. PB never had the dialogue because TC never said anything. We still never had the opportunity. Tonight we're talking about scope of services. What about what PB wants the consultants to do? We never got a resolution giving us the green light. Timing has been off. Someone said the Parking Authority (PA) has to come in. First time they're here.

S. Decter said the PB is endorsing their approach but not the scope of services. Next step is to get them to specific tasks and things to look at to establish a contract.

L. Rubinstein said we want the scope – the idea so that the rest could be built out. This is the first time to address any of these things.

A. Lupo spoke of PA's interest in a garage to provide additional parking at reasonable rate – whether it goes to a garage or satellite parking – fine. If PA contracts a consultant to

Look at parking and traffic and put a plan together and then come back to PB/TC and they take it. – into the MP with the information from their consultant.

G. Muller didn't think that's the way to go as yet. He thought after the presentation by Madden/Davies (response to traffic) the board should send it to TC to address funding issues and what kind of scenario to study. Now with the feedback, Madden/Davies say R238 with additional tasks will cost more. Having them present to discuss this makes sense. If we're still on that track, we'll discuss with them and with Parking Authority on how to integrate what they would be doing so there's no overlap of tasks. These have to be coordinated so we're not doing the same thing.

Redevelopment

A. Lupo said PA is trying to stay under certain financial costs and will go to them or someone else and give them their data. They would like to see, not necessarily a garage, then formulate a plan and bring it back. They're not expecting to act independently.

Chair said the board needs PA's objectives and their information for exchange and dialogue between the professionals of both bodies. Part of their PowerPoint presentation was meeting with PA in advance of any proposals.

A. Lupo said the contract could get held up. PA is not pushing to get it started; everyone has views on it.

S. Decter said at some point this must relate to a plan.

L. Rubinstein commented that from PB perspective, parking must fit into the Redevelopment Plan.

A. Lupo said he'd tell PB what their needs are, one of their goals

L. Geevers noted that Hillier is working on parking in their scope of services. Davies, Urbitran, had parking/traffic in their scope of services. She questioned if that's different and why so many consultants. Hillier has done some of the work already.

Mayor Hsueh said if TC agrees, this is where we need to start – avoid duplication – check what has been done.

A. Lupo said he was fine talking to Urbitran. Hillier never spoke to them about PA's needs.

Chair was very surprised – shocked – that Hillier never spoke to WWPA.

A. Lupo said they're not looking for another consultant...G. Davies could work very well for them. He was more than willing to start talking to them about their needs. They already know the plan. They may need more direction on the entire development. Our goal is satisfying the parking demand and from a township point of view, make a decision on where Redevelopment is going and how we get there. We'll talk to them about what we need. If they come up with a plan, it might be on a different contract or extension of contract. They would incorporate that into what Hillier has for the town. They want to talk to NJ Transit and are now in a position to do that.

L. Geevers affirmed that Hillier repeatedly said they covered traffic/parking. On 6/4 the process stopped. A comment was made to throw it all out. She didn't think that was right. Hillier understands the concerns. Start out with 500 units and have PA involved. They didn't speak to PA.

Mayor Hsueh said he introduced PA to Hillier.

A. Lupo said Brad and Tom presented information to them.

Chair commented that no dialogue between Hillier and PA is the antithesis of the charrette process. They should have been receiving input from PA. Did anyone ask if they spoke to PA?

Redevelopment

L. Rubinstein said they had their own people.

A. Lupo said much of the information they had came from NJ Transit. They didn't know about the waiting list, where they are, how many in/out of town, etc.

S. Decter said Orth-Rodgers relied on NJ Transit.

A. Miller said one meeting was discussion on NJ Transit report and were told it was unreliable. PA had to do better.

D. Ciccone noted that PB/TC never had time to sit down and discuss this with Hillier. Mayor Hsueh explained that the scope of services before 6/4 was to get the information. Dialogue was expected after 6/4. PB also never really had it because of other concerns.

A. Lupo said it didn't have the blessing from people who know the most.

C. Chang said the data was not acceptable and economic data was questioned. Hillier spoke to NJ Transit, not PA. Are the statistics reliable? Then PB received a request to cover other issues – result was Madden/Davies report. Also we can't ignore the affordable housing units unless we locate them somewhere else. We're getting no direction from TC. TC sent back many guidelines. He didn't know how to respond on hiring a consultant. Now the question is scope of service, then another suggestion to hire another consultant for parking. We should be sharing services. Consultants claim to be experts but they have different experience. A selection committee should pick the best. If not liked, point out specifics and fix the problem.

R. Rumack said as to parking independently, he thought TC's solution is something that can be done.

L. Rubinstein said there's not enough parking – charge market rates. He doesn't necessarily agree with it. Our belief is to provide for WW residents who use the train station as we should be able to. We should have mixed uses – some occasionally, some every day users, some at the end of the day. Also there's no question that if building a garage, it's not economically viable without a subsidy. From our perspective, we have to figure out how many residents we should accommodate. It's not just parking spaces. People will not spend \$240 a month to park and buy a \$331 per month ticket and another \$50 a week for subway travel. That's burdensome. We need to keep cost at a reasonable level. We have to build in a subsidy. We need to decide number of spaces, how much to charge to serve everyone appropriately. People will give up their permits. With daily spaces they'll use them. We need to know the shortfall and how big this needs to be so that we can try to keep to a reasonable size. Parking is one of the high priorities.

L. Geever said we need density to make the property to build the garage so that the monthly fees are acceptable. We won't get it both ways.

R. Rumack said he's worked on Redevelopment interactions. He's seen how projects get done. In reality, a three group position figures how to get it done. We have to be serious. We have to be on the same page with a defined vision and ultimately know what we're trying to do.

Redevelopment

G. Muller noted the subsidy needed. What other amenity do we want? Transfer that into the intensity we need and scale back to balance. How many spaces do we need? How will we arrive at that? Where do they go? An independent authority can hire a consultant, do its own work and get recommendation from consultant. He will not act in vacuum. He will understand this is part of a concept and will work toward that end satisfying our need. Then we give it to TC. Redevelopment is the issue.

Chair said it's a township issue. It could be TC, PB. He was uncertain where we're going with respect to that.

*present what the parking consultant says and you decide how it fits into the overall plan.

Chair said the suggestion was very well received by him and possibly others on PB. They seem to have affirmed this issue. Who would you like to bring on board?

Hillier, Gary Davies, a third party?

A. Lupo said they'll talk to Gary Davies with the idea not to duplicate what has been done. They'll talk to Hillier as well. They want to make sure how far along they are with the overall plan. How much missing information there is. Hillier got information from someone. It could be tweaked. We do not have an endless pocket so we want it economically feasible and a quick timeframe.

R. Schwartz, PA attorney, said they're in a position to move quicker.

Chair agreed as they're independent and PB is not. Their assisting the process will be appreciated by all township residents.

L. Rubinstein said there should be a lot of work there in the Hillier plan that is already paid for. With a little guidance we can work with it. Many components are in place there.

G. Muller said PA will be doing the basic data that we need to go ahead. Location will be a function of different things.

*whatever location is considered, come back to PB or TC for a discussion.

A. Miller said whichever professional they decide on they'll provide TC/PB with a reason for their consideration when they move forward.

M. Rosen referred to G. Muller's decision working with the resolution, Davies/Madden Heard were asked to cost out their proposal...reasonable or not...or what can they do for \$100,000?

L. Gevers said the location/cost/financing depends on Redevelopment Plan.

Number of spaces is a decision that has to be made.

R. Schwartz said that \$240 a space per month is not realistic. We have a long waiting list. How many would really buy a space if offered tomorrow. In addition, we have to decide if we should have a waiting list – 100 – 500-1000 – where's the offset.

Redevelopment Plan

Mayor Hsueh believed some people will be on a waiting list. We have to understand the plan all together and then have the possibility of subsidy as part of Redevelopment. It gives the town and PA the option of phasing in. That's allowed in the Redevelopment statute.

R. Schwartz said the issue is where the garage should be located to serve WW residents. There are only two choices for that area. If all on west side, that's a problem. Mayor Hsueh said DOT has an interest in modifying the bridge for a bike design; all must be included.

D. Ciccone asked what do we do in the meantime – what is the next step?

L. Rubinstein commented that receiving recommendations early in the process would allow greater latitude to consider locations, make land acquisitions and other areas for commercial establishments, etc. You're not building every parking spot. Some will come from developers as well. We need general ideas of locations.

A. Lupo mentioned five initial locations – Wallace, daily pay lot east, NJ Transit, Alexander, Vaughn Drive.

S. Decter commented that would be looking at more than WW at that point.

A. Lupo added that's why the PA needs a resolution to talk to NJ Transit, doing a percentage (WW/NJ Transit). Then NJ Transit has to ante up. They may rely on us more as far as parking spaces.

Mayor Hsueh said that NJ Transit has a new Director. He encouraged PA to speak with other property owners to make sure something happens.

L. Geevers felt the negotiations should include someone representing W government as PA can't negotiate WW land.

R. Schwartz said they had no problem working cooperatively with TC.

Mayor Hsueh said he'd have to be involved in negotiations.

R. Schwartz pointed out that the Vaughn and Wallace parking is deeded to WWPA.

Mayor Hsueh hoped this happens sooner rather than later. The Governor's office was very encouraging in noting the state will provide as much help, not just conversation.

R. Schwartz said PA owns very little of the land in this area. The first thing we need to talk about is acquiring the land – speak to NJ Transit – and we need revenues. There are a lot of issues, one is reducing the stress of existing users.

Mayor Hsueh offered to contact NJ Transit to start the dialogue.

W. Ankowitz commented about R. Schwartz having contacts with various government agencies, including NJ Transit.

L. Rubinstein got back to Madden/Davies report and using the guiding principles.

S. Decter agreed and noted Hillier didn't indicate a garage location – it didn't make sense. NJ Transit has responsibilities as well.

W. Ankowitz said if the board works with the same consultant, he'll know when he has enough information to start working with the Planning Board.

Redevelopment Plan

S. Decter indicated we need a scope of services for each one – attorney/traffic/garage. TC/Admin. Appointed Hillier; they have consultants (Orth-Rodgers, etc.). With Responsibility of PB to review plans and because we were dissatisfied with the Hillier Plan, we want to take a more active role – scale it down – see the implications of Redevelopment. What about the money setaside for Hillier? Do we tell Hillier what we're prepared to do? Where does that relate to your contract?

D. Ciccone said as a PB member she would want to see traffic consultant working in conjunction with parking garage consultant on fiscal and tax implications for that area. She would also like something done with impact of COAH (by G. Muller) as it related to Redevelopment and also some environmental consideration as well as a sign plan. Decter/Rubinstein agreed with Ciccone's listing. The question is who does it, how much do we pay for it and the timing.

L. Geevers suggested Hillier/their consultant have joint meeting with Davies on infrastructure/traffic/parking study. We don't want too many consultants.

W. Anklowitz noted that on 1/22 recent COAH ruling will be published in NJ Register. We need to get on the same page and get Muller/Madden's comments up to Administration to lay the groundwork. PA is making the first calls on which consultants they're looking at with scope of services.

D. Ciccone affirmed that someone should know what has already been done.

L. Geevers wanted to speak to Hillier to go over their list as there were some things we didn't want. We have to tie in Hillier with consultants we need to iron this out.

D. Ciccone said we need to review what's been done – decide if we want it, toss it or tweak it and then come up with who will do what hasn't been done – no repetitions.

C. Morgan stated that Hillier knows what they did more than anyone. Have the conversation, repeat what we said tonight and get Madden/Davies on what as been done – isolate the gaps. TC passed a resolution limiting costs to no more than \$3150 (not applicable to PA) on agreements regarding Redevelopment area. We asked for competitive bidding for better quotes. Hillier already went through that process. He didn't know if we needed to repeat that. We have a timeline talking to TC about Madden/Davies. There's another bid requirement.

G. Muller pointed out that the TC resolution is not applicable to PB.

Chair said he heard the TC resolution passed Monday doesn't apply to PA and G. Muller says it doesn't apply to PB.

C. Morgan questions this as Redevelopment is under TC and in that capacity it has the authority to implement regulations.

Redevelopment

R. Schwartz noted that PA has separate funds to hire a consultant. They may agree but there's no obligation to do that as they're an independent authority.

Chair noted the resolution doesn't apply to the PB. Did we waste money on a resolution that's not binding?

M. Herbert said it is binding on the Township – Administration and TC- but not PB or PA.

Chair said the Chair, PB signs off on the board's contract with a professional on Redevelopment.

D. Ciccone commented on having competitive bids if we want to hire a consultant.

L. Rubinstein explained "competitive bids" and taking the lowest bid.

D. Ciccone stated we were going to have our own and now TC says hire who they say.

S. Decter suggested we give it back to TC – the whole responsibility.

Chair said that is an issue for PB to take up.

L. Geever explained that PB would be administering the contract that TC said they could afford with a recommendation from the Mayor (executive branch) and then to PB working with those contractors to fulfill what is in the contract.

Chair questioned if the resolution is nonbinding on us, then – D. Ciccone concluded there's no sense discussing this. "If it has to be on competitive bids"... that's why we have indicated giving it back to TC and let them handle the entire Redevelopment Plan.

S. Decter said it extends the timeframe as well.

Mayor Hsueh noted that G. Davies/J. Madden were chosen based on competitive selections before many years ago.

H. Kleinman stated that TC wants to move this forward and gave it to PB. It hasn't helped. It's right to bring this up tonight. We're all stymied by how this helps Redevelopment.

C. Morgan noted PB expressed concern. This highlights the concern that TC acted on by requesting PB look at this putting Madden/Davies into position of creating instead of receiving. Who is writing the plan. TC sent this to PB two years ago. It didn't happen. TC hired Hillier.

Chair disagreed in saying TC never handed it to PB. We never hired Hillier. For three months we watched it on TV.

C. Morgan said Madden/Davies put out a bid to do the work that Hillier has done; that's why this conversation and another meeting – a discussion on redundancy and gaps.

We're not usurping PB role as recipient for review. You're mixing roles.

Chair said he had no idea of what C. Morgan just said.

D. Ciccone asked if we can use the comments we want to use. We already talked to Madden/Davies. Are you saying we can't do that?

W. Anklowitz affirmed the PB can hire their own consultants.

Chair asked if that's even with respect to Redevelopment. The resolution says Redevelopment. Under MLUL we're aware of that.

Redevelopment

W. Anklowitz said the PB alone is okay. If you're coming to us on TC, you want a second vote...but at the right price – at least you shopped for a second consultant. If this is coming to TC for contract on property, then there is bidding.

L. Rubinstein pointed out that with bidding you don't control who you get more than one for each category. That's a different statement.

S. Decter stated that this is not an open process. We have our own consultants. If we can tightly control what we're doing, that's why we control cost.

L. Geevers said they should have said competitive bidding from the beginning and didn't. Chris Marion, Administrator, commented on competitive bidding and professional service.

L. Geevers asked how you get a second quote then.

M. Herbert said the township puts out a request for proposals for cost and other factors to be considered. Hillier was the lowest and on quality selection by TC and recommendation of Mayor Hsueh, we go into competitive pricing. You can do that.

You're not required to take the lowest price. You make a quality judgment. It took from March to December to go through the process.

C. Morgan said based on his 35 years experience, when you have an opportunity to bid and only one entity is asked, it's expensive. With a second firm involved, both want the business and you get a better price. It doesn't mean the lowest bid but rather the best combination of price and quality of service, etc. It may be great (Madden/Davies) but the bid would change with another on the table.

D. Ciccone suggested negotiating with them. She believed they'll come back and say "yes."

C. Morgan asked if it covers what we want or is it redundant. This is a conversation about bid specs and we're struggling to get to the answer. Ask for a second bid and then we'll have a comfort level that it is best for our buck.

D. Ciccone said she understands fiscal responsibility to the taxpayers and then satisfy xyz and come back. But you can't use that. That's what the resolution sounds like.

C. Morgan said he was surprised to have the impression that the board authorized that first meeting was on our dime. When you ask someone for a proposal, they do it on their dime. That was a shock. Then he perceived the need for competitive bidding. We want to do it right and move forward. If it is not artfully phrased, we'll amend it.

L. Rubinstein explained that they were making a proposal. We didn't pay for it.

Chair said the guys who said they charged us killed it off in the newspaper.

L. Rubinstein said part of the procedures is to interview a number for various tasks. It should not be mandated for open competitive bidding. He didn't disagree with the point but mandating doesn't help.

C. Chang commented that only the person implementing the project knows who is the best. He didn't think this was applicable to this matter.

Redevelopment

L. Rubinstein voiced G. Muller's opinion that it doesn't apply to this. If we want people competing, it is the PB's judgment.

L. Geevers said we're having a meeting to iron out issues. If we're talking about a competitive RFP, how do you write it; we haven't had that meeting yet.

L. Rubinstein said he didn't think it should be a resolution.

D. Ciccone asked for the next step.

W. Anklowitz asked if the PB can get together, go over Hillier's contract, what others have done and another follow-up meeting on what consultants and scope of services. Chair said he'll do it tomorrow morning.

L. Geevers asked if that means another meeting with Hillier, Davies, Madden to discuss Redevelopment further.

M. Herbert recalled Hillier prepared a certain document correlating to an RFP.

L. Geevers asked if that means no follow-up meeting to ask questions.

M. Herbert said it is not necessary. Hillier is a matter of record. First two phases are complete. The third and fourth have not been done. Go back to their proposal as it was changed in our contract. Correlate and pick up with the new consultants. You don't need the whole session on what Hillier did or did not do.

L. Geevers commented that so much time has gone by.

M. Herbert said that the pages haven't changed.

W. Anklowitz said the PB checked them out on 6/4. PA will do what they'll do.

R. Schwartz said they'll proceed on a parallel track irregardless of what happens on that end.

H. Kleinman commented on what PB could do - there are existing Hillier plans to orchestrate a discussion on what is valuable. What work was done is not concluded. We may need a second opinion. It was highlighted; we questioned the economic data. That's what the financial committee will look into. ERA produced information. Was it adequate? We need a finance to respond to that. It could be very helpful looking at other aspects of Hillier's plan as PB and then decide what you need more of.

Chair said he would make a recommendation that the board will continue in open session. A number of PB members have asked not to take any further responsibility. In light of their feeling on treatment by TC, some PB members wish to make a decision to return Redevelopment to TC and TC can make their own decision whatever they wish. This is a volunteer body. I told them I'd give them an opportunity to express their views if they so desire. PB will continue. You can stay or not. If the entire Redevelopment Plan will rest with TC, the PB is not off the hook. If you draft it, it comes to PB and we review it. The control of the money and back and for, the press releases denigrating the professionals, heard from our professionals who made statements. They haven't said they won't work for you but not under the present setup. We have our own professionals. They don't want to be part of it. We have volunteers that sat on PB that don't want to be part of it.

Redevelopment

D. Ciccone mentioned H. Kleinman reminded the PB of the 6/4 meeting and the canceled 6/18 meeting. We wanted to get together as a board with our consultants on questions to be asked of Hillier. PB at least had done that. Now TC wants us to do it. Whether or not we decide again is another issue. Things were shifted and derailed.

L. Gevers commented that TC said you can't continue with the process because competitive bidding is needed at this point. They couldn't do their work with their own Professionals because TC says you want professional bids. We couldn't write an RFP tonight. Just stop the process.

L. Rubinstein stated TC handed it off to PB; just let us plan. We asked for guidance.

L. Gevers said the question was raised if the first presentation by township professionals would be counted as the first presentation and we were paying for that. That started the question of fees. She thought it was resolved. Now it is up to competitive bids.

W. Ankowitz thought she was wrong about the resolution.

H. Kleinman wanted PB and consultants to look at Hillier plan to formulate what additional work is needed.

C. Morgan said that is outside the scope of the resolution.

H. Kleinman suggested they see if the consultants see anything good in there.

Chair added that they need to know what was said and have it in writing. Consultants put this in writing for them to take this position is absurdly incredible. This is very serious business for this town. We have faith in your drafting a Redevelopment Plan. This is called passing a hot potato back and forth.

W. Ankowitz called for closing public comment.

David Siegel, Berrien City, commented on representations in the past that a Redevelopment discussion would be broadcast. He understood that it would be difficult to do at all on the dais. He urged it be held at Municipal Building where arrangements can be broadcast. He heard the comments on Hillier and the value of what he did. He suggested they pay Hillier off and take his reports/some sections and throw them out. Start over. That's the best and quickest way to deal with Redevelopment.

M. Herbert stated that this man's reputation is being trashed. It is not appropriate.

W. Ankowitz adjourned the meeting of the Township Council at 9:40 p.m.

TC/WWPA left the meeting. C. Morgan/H. Kleinman remained.

PB recess until 9:45 p.m.

Chair stated that several members indicated to him they would like to return the responsibility of drafting the Redevelopment Plan to TC. You need to be aware that after the draft by TC, they are required by statute to send it to PB for review and criticism (45 day period). Some of the comments in the newspapers upset people. The resolution

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as well. He thought it appropriate that we discuss the return of or drafting the Redevelopment Plan to TC and determine the wishes of the PB members. He would recommend if we do decide to send it back, not ending it at this point. He suggested a resolution be drawn and placed on the next agenda for public discussion of members and residents for argument in conjunction with the resolution to be passed.

L. Rubinstein asked if typically in these situations you start at PB or TC.

S. Decter said it can be done by either body. TC chose Hillier. We would have reviewed the Hillier plan and not take over the consultant's role. Now we're in between. It might be appropriate to hand it back and have the process work itself out. In the resolution They indicated everything we have done and our responsibility. This is torture.

D. Ciccone said either let us do it or not. We have guidelines. We don't need more obstacles.

L. Rubinstein commented that what TC is doing is frustrating.

R. Loverro said this board has the best experience to be involved with this project. Regardless of the parameters, the right thing would be done with the PB. This is an unfortunate turn of events.

M. Rosen commented on the flaws within the four charrettes and the backlash of the election. Then the results was TC's reaction to the community's backlash. We didn't know if we can look at all four designs, look at one extreme or have a full range of all scenarios. We're being pushed into a certain direction before analyzing what was done.

S. Pankove said when the process first came up, a change to the MP was based on our vision on application. If this is an application, who is the applicant – TC? How does that work? He was told it was more MP type of hearing. If we go back to TC, then it turns into more of an application process rather than MP process.

M. Herbert said it would be put into ordinance form.

G. Muller said we would not adopt it as an element of the MP.

Mayor Hsueh agreed with everyone at this point. He never thought about it. He suggested handing out draft copies, doing it right. If not, be honest with public. Don't do it at all. We must rely on good professionals. If we don't trust the team, get another. We have to rely on good information. Then policy makers, professionals need to work together. We have the ability within 45 days to make our comments at the appropriate time. He urged the PB to take over but now he doesn't know. We need to think very carefully.

C. Chang said he was looking for the initial Hillier draft but unfortunately he never got to that point. We still don't know what Hillier can present to us, whether or not they present to TC or PB is immaterial. PB has their own ideas and apparently TC has theirs. When

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we try to interface both we encounter many problems and we don't know how to resolve them. PB should have it based on experience in the various fields. He would like to see TC handle it temporarily and see PB have a chance to review when the draft comes to us. We are wasting resources. He didn't want to spend the time when he didn't see any results.

D. Ciccone questioned if PB could say to TC we'll take it on and this is what we will and will not do? Can we do this but these are the conditions we'll do it under? If they know what we're willing to accept and do, is that a way to go beyond this?

Chair felt there were so many guidelines. If you want to get going, move forward. We don't know who is preparing these guidelines. He talked about counsel. M. Herbert didn't create the fees. As taxpayers, let's examine what's going on here....a lot of nonsense – guidelines and resolutions. We need to move forward. You have the power – you deserve it. We do not want to get involved with issuing guidelines. Chair added that we will be made to look bad. We haven't started on this at all. This is a good time to get out if you want to. As TC, they know what they want. They probably are the appropriate body to handle this. They're the ultimate decision makers. We'll get our chance.

S. Pankove said this is one of the most important projects for WW for years. It would be inappropriate not having the synergy in the brainstorming needed. It's very sad to see that this won't occur as he anticipated it would under PB purview. Obviously, if we give it back and it goes there, he hoped the synergy would continue. If we do eliminate ourselves from that, 9 people sitting around the table, Hillier was frustrated last year as to who is his client – another direction – and if it means taking all nine out to give direction, Okay. It feels bad that we're not going to be part of that brainstorming.

Chair noted that he (Hillier) needs someone to talk to and that's the TC. We don't want to be the whipping boy for the TC. As PB Chair, I'm a volunteer.

S. Decter thought the charrettes were the best thing but flawed. Hillier's plan was too grandiose. He wanted to see what we could do to scale it down. He thought we could have worked something out with the TC.

M. Rosen said it comes down to a lack of trust and faith that we can deliver something for the township.

R. Loverro asked what the practical reality is of handing it back to TC.

Chair stated the TC knows what they want more than PB. They have an idea what they want. They have to develop it. When they come up with a plan, they'll present it to us and we'll review it independently. Who can protect reality. They may never come up with a plan or talk about it for another year, spend a lot of money on professionals and then make a decision not to go forward. The taxpayers suffer for it.

Redevelopment

L. Rubinstein pointed out that what is happening now isn't working.

D. Ciccone thinks she's hearing we're willing to do the work but you have to let us do the work. You have to leave us alone. Volunteers want to get involved and give a good product.

Chair said if we're turning it back, he would entertain a motion with a resolution by draft and place it on the agenda for further discussion at the next meeting of Planning Board on January 16th.

S. Decter wanted it carefully worded.

Chair said G. Muller will email it to everyone on PB before the agenda goes out. If there's any comment, we'll talk about it.

S. Surtees asked when he'd get it so that it is available to the public.

G. Muller said he'd distribute it to S. Surtees and the board tomorrow.

Chair asked that the general wording as to its intent should be on the agenda.

D. Ciccone requested a legal opinion.

G. Muller said this can go back to TC with we can do this but given the discretion to handle it in a manner we think appropriate.

Chair didn't like the "handle the issue, leave us along" – send it back or keep it and suffer the consequences. We will not be subjected to cross examination you got on an ongoing basis. It's bad that professionals are questioned like this. I question the fees many times....

I will always defend myself. I can walk out. If you attack people, I'll speak out. I tell them like it is.

M. Rosen asked how do we communicate to TC that under what conditions we would prefer to remain in this process.

Chair asked then if he wanted to remain in the process. You're going to give them conditions and they'll find a reason to get around it.

M. Rosen added that the PB can't be under a completely controlled scenario. Mayor tells TC PB should be invited when TC has meetings. M. Rosen regarded that as satisfactory.

L. Rubinstein said we're there as members of the public and identify ourselves as PB.

M. Rosen commented that we could have done that. He's not sure why we're worrying about giving it up. If it stayed here, we would do the right job.

C. Morgan said he's hearing complaints about something he doesn't understand...being micromanaged. TC guidelines were in the summer. Then reaction to election – that happened but we did ask PB to move forward. The first resolution that resulted was Kleinman/Morgan's response to request for guidance. There were only two others that he knows about. 1) PA resolution trying to work with them and their requesting official authority to lead the conversation to go to NJ Transit involved PA, a good idea. Obviously they haven't been involved...Hillier or whatever, maybe TC was intrusive

Redevelopment

including PA. Maybe that's micromanaging. Last one was 3/2 vote on bids motivated by circumstance he perceived. Maybe it was not crafted as well as it should be. It was not intended to stop the PB. They intended to articulate a policy view that it is a good idea to get more than one bid. We'll rewrite it. Where else have we tied your hands?

D. Ciccone said the last one is the key.

S. Decter said it shows no confidence or trust in this body.

C. Morgan said it's a mistake in that sense. It was well motivated to remind about bid acceptance.

Chair said in all fairness, we were directed to talk to our consultants by TC in terms of a traffic impact analysis. We were not told to get bids and get others. You said PB Consultants should do that. You limited it.

H. Kleinman noted what happened here.

Chair elaborated that TC gave specific guidelines – parking garage, Main Street and infrastructure. Chair asked J. Madden to talk to G. Davies to see if he can develop something regarding parameters of Town Center traffic study. He felt it was impossible. If he can't do it, explain why and what he needs in order to give TC what they want. At no point did we hire any of them. We didn't discuss contract, just give us proposals. There's been no commitment to these guys. If you want someone else, tell us. We're open to suggestions you make and we'll tell you we agree or disagree. You can't do what you're doing. The public reads all these statements coming out. They think it is a joke at this point.

C. Morgan asked they clarify where they're tying hands; a fiscally prudent resolution may be overkill.

Chair added that they sent us a timeline – Wrong – absolutely wrong. Let us decide our timeline. Let the professionals decide how much time we need. The end of May may/may not be done by the town. Let the PB discuss this with professionals and make a determination when meetings should take place. If you recall, I said periodically.

C. Morgan said it was a suggestion. They did not dictate a timeline.

Chair noted it was a "suggested" timeline. If you recall when we accepted responsibility, I said I want to get with TC periodically to evaluate the work of the professionals. I don't want to get ahead of the curve, don't want to waste tax dollars. We want a collaborative effort. Understand where we're coming from here. For many, they're thinking TC should handle it with no conditions. We have the utmost confidence in your ability to do the right thing for this township.

M. Rosen gave another perception – more think TC knows where this should go rather than a full analysis of what would be best. That TC knows what they want.

Redevelopment

C. Morgan didn't see it that way. He was frustrated. When the board asked for guidelines, he was thinking PB should do it. H. Kleinman and he were working for hours on it. You asked us to do it.

Chair said when they made the presentation to PB, then to TC, they talked about two scenarios. We heard housing units and TC saying never getting a clear understanding of the number. There was no agreement on TC as to number of housing units; you give us a number.

D. Ciccone recalled the conversation. We didn't want to hear anything but Main Street and parking garage. You pushed that. You wanted us to come up with it. You spoke about dealing with limited items. That started the constraint. We got micromanaging from entire TC or from one person and next week we get something else. We sent the proposal back to you because we didn't want to go down a road you didn't want us to go.

C. Morgan stated there was a concentration among other members of TC on that. We're making it up as we go along. It evolves. I think there was some pooling of teeth getting to that resolution. It was a lot more than he thought getting a consensus on. We're living in a democracy and we're going back/forth and moving toward some specific with guidelines.

L. Rubinstein said it would be much easier if there was one unified thought on TC. Chair said if we did a draft of the Redevelopment Plan. You have you professionals there, the public out there. They have an opportunity to comment. As to their presentation before PB, there'd be an exchange of dialogue. Why are you holding open mic sessions dealing with Redevelopment? Let the public come to the PB for the best answers from the professionals. It is inconsistent.

C. Morgan said it facilitates the process.

Chair said it confuses the public. It is not the right forum for the public.

C. Morgan suggested the PB have their own open mic meetings.

D. Ciccone asked if he as one person can live with PB taking it and leaving us alone. We understand guidelines.

C. Morgan was agreeable if within the August guidelines.

H. Kleinman said to look at TC as five individuals. W. Anklowitz put out a memo.

That's one person who worked so hard on what we agree on. That's what you should be focused on. You know it's not agreed upon by everybody. Things happen too fast.

Maybe it's better written/better understood. It's not the consensus of TC. 350 acres – It takes many people to look at it. PB is the appropriate place for discussion to begin. Wait until public meetings are involved; it's very difficult managing the public. TC has had one of the open mic meetings. This is a big town with many issues.

Redevelopment

Chair said the open mic was in the Redevelopment Plan timeline. If not Redevelopment, why was it in the timeline.

H. Kleinman said they felt the meetings would be a good idea. W. Anklowitz wanted dates. She didn't fight to get the dates off. It's very difficult. She realized this question. They'll still go forward. It will be policy.

G. Muller said as an agenda item, he's drafting a resolution for discussion next week. He thinks it should be include one section dealing with 'xyz' and PB must vote on it.

C. Morgan mentioned a history of delivering this to PB and the debate on whether or not it should happen. It was very controversial. Decision was made almost two years ago, reiterated by W. Anklowitz to PB a couple of months ago. He felt TC should do it because he couldn't figure it out how TC checked/balanced it without their own expertise. TC is writing the plan – by Hillier and then to PB with planning professionals' expertise. He lost the vote to put it here. PB is considering returning it to TC. From his perspective, it's the better way to go. He didn't think it will change things one bit. PB will still be involved to their eyeballs in it. If the resolution is a bit of a problem, he will fix it. It was not intended to create a nightmare. He urged they deliberate their role carefully. He did not want to be writing any more guidelines. May be we need more of these meetings instead of writing resolutions back and forth. This was a good meeting.

G. Muller explained that PB directed counsel to prepare a resolution returning Redevelopment Plan responsibility to TC. Board is willing to continue providing that..... Then members will make a judgment.

D. Ciccone felt the wording was contradictory. How do you put that all in one resolution?

G. Muller mentioned two resolutions.

Motion by S. Decter, seconded by M. Rosen to have counsel draft a resolution and share it with the PB to respond before next meeting and then place it on the agenda of the next meeting.

L. Rubinstein suggested that perhaps TC may have their own resolution addressing some concerns.

Discussion on motion

C. Morgan commented on the Redevelopment law and that this was delivered to PB two years ago. What happens?

L. Rubinstein replied that we're volunteers and we have to follow the mandate.

Redevelopment

C.Morgan said the law gives us choices. This goes out; you crafted the resolution.

G. Muller said we're declining to accept the responsibility.

C. Morgan said you need the original resolution directing it.

Chair added that as a body, we can decline. That's the issue. To your credit, you're still getting your way.

*motion – prepare resolution declining to accept resolution for preparation of Redevelopment Plan – include assumption – however, should TC agree, PB will handle without conditions at own discretion in manner we see fit. In that circumstance PB will take back the responsibility.

Second Issue - Yes.

Roll Call

Aye – Chang, Hsueh, Loverro, Morgan, Pankove, Rosen, Rubinstein, Decter, Gardner

MOTION CARRIED 9-0

This meeting was adjourned at 10:51 p.m.

Respectfully submitted,

Margaret K. Dorse
Recording Secretary
WWT Planning Board