

**PRINCETON COUNCIL MEETING  
September 9, 2013**

A meeting of the Mayor and Council was held on this date at 7:00 p.m. in the Main Meeting Room in the municipal complex, 400 Witherspoon Street, Princeton, NJ 08540.

**NOTICE OF MEETING**

The Clerk read the following statement.

The following is an accurate statement concerning the providing of notice of this meeting and said statement shall be entered in the minutes of this meeting. Notice of this meeting as required by Sections 4a, 3d, 13 and 14 of the Open Public Meetings Act has been provided to the public in the form of the 2013 Schedule of Regular Meetings. On January 1, 2013 at 2:15 p.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Trentonian, the Town Topics, and filed with the Municipal Clerk.

**ROLL CALL**

The Municipal Clerk then called the roll.

Present: Mesdames Butler, Crumiller, Howard and Messers Liverman, Miller and Simon and Mayor Lempert.

Absent: None.

Also Present: Mr. Bruschi, Ms. Monzo, Mr. Kiser, and Mr. Schmierer.

**PLEDGE OF ALLEGIANCE**

The audience participated in the Pledge of Allegiance.

**COMMENTS FROM THE AUDIENCE**

Marvin Reed, Task Force on the FreeB, said that they have gone to the new schedule and that ridership is up. Mr. Reed said that the new schedule is on the website along with a transit map.

Anne Neumann said that the dinky station was nominated for state historic recognition in August and that the University is poised to destroy the original station. She asked that the Council protect the dinky site. She also asked that Mayor Lempert recuse herself on these discussions and those regarding the University PILOT.

Roger Martindell discussed the future of the Princeton police department. He said that the Council should govern the police department or they will govern you. Mr. Martindell asked that a Public Safety Director from outside be appointed. Ms. Butler reminded Mr. Martindell that personnel matters need to be discussed in Closed Session.

Dale Meade said that he agreed with Mr. Martindell. He asked that there be no more deals and that the court case be settled in public.

Ms. Howard said that the Council does take the matter seriously and that she was confident that Council took the best action that they could at that time. Ms. Howard said that there was an audit going on at this time and that the department is under new leadership.

Mr. Meade said that he also supported a trial by jury.

Peter Madsen, Snowden Lane discussed the police issue and said that there is more effort in generating funds. He said that the police union is running the department and that there needs to be more transparency when addressing this issue. Mayor Lempert said that in the recent police survey, the number one issue with residents was speeding in neighborhoods. She said that the police department was trying to address the issues that they are hearing about and responding. Mr. Madsen said that he thought that there was a lot of hypocrisy in dealing with the police department.

Ms. Butler asked where we stood with the Historic Preservation ordinance. Mr. Schmierer said that the Historic Preservation Commission has its own subcommittee that is currently working on the ordinance.

#### **PRESENTATION**

Alexander Street University Place Traffic/Transit Study Updates, Kevin Wilkes

Mr. Wilkes said that upon approval of the governing bodies, and the University a Task Force was formed to study, evaluate and make recommendations concerning long term transit needs of the Princeton community that may economic benefits, of implementing transportation services from the Northeast Corridor railroad line to Nassau Street.

The Task Force is also charged with studying, evaluating and make recommendations to manage the appropriate flow of traffic and transportation in the greater Princeton community as a result of the impact of this and other proposed development in and near the Central Business District.

Mr. Wilkes said that at the peak evening hours 950 vehicles travel Alexander Street and University Place. He said that traffic will more than double in the next 15 years. AECOM has been hired for traffic studies and analysis.

He said that they are looking at town wide street openings and closings and the various traffic patterns. He said that they eliminated personal rapid transit, for the use of the street car system and the existing dinky. They are looking at light rail service.

Mr. Wilkes said that there will be two public meetings this fall for community input, one with the Planning Board and one on a Saturday morning at the Public Library.

Ms. Crumiller asked if we have a pattern of traffic increases. Mr. Wilkes said that they are looking at trends that have existed to see what can be done for our community.

Mr. Liverman noted that the technology that we are working with today may not be what we are working with in the future. Mr. Wilkes said that we may not know the final solution but we may have a better idea of the problems we may face.

Ms. Butler thanked Mr. Wilkes for his report. She said that the last time the bus system was discussed; it was not met well by the public. She said that this brought out supporters of the dinky and that she was not looking to use the same proposal.

Mr. Simon thanked Mr. Wilkes for his leadership to the Task Force.

## **WORK SESSION**

### Increased Transparency and Streamlined Minutes

Ms. Crumiller said that there had been conversation among Council members regarding the format that they would like to see for Council meeting minutes. It was suggested that the be action based minutes with the exception of public comment as video and audio tapes of the meeting could be linked on the website for complete accuracy. Also and written document from public comment and presentations could also be appended to the minutes. She said that it would help to keep up to date and “have the best of both worlds” and thereby neutralizing problems. Ms. Crumiller said that she supports this idea in an effort to increase turnaround time and accuracy.

Ms. Howard said that she supported this idea and also asked that minutes be put on future agendas earlier in meetings.

Mr. Miller said that minutes are not to be verbatim and that the recording is the best record. He noted that the Planning Board keeps audio and action based minutes

Mr. Simon said that he was initially attracted to the idea, however he now reluctantly recommended against this change, in part because video is not searchable. While he was not advocating full transcripts, he felt that additional detail is sometimes appropriate. He asked that at a minimum, anything presented or submitted in writing be appended to the minutes

Ms. Butler said that she would support the idea, but noted that there are people that do not have access to computers or the internet.

Mr. Liverman suggested that the proposal be tried out for 3-6 months.

Mayor Lempert asked if there was anything that Council wanted verbatim in the minutes then it should be given to the Clerk.

**REPORTS**

## Construction and Parking Budgets, Sandy Webb

Sandy Webb, Chief Financial Officer, discussed with Council the Construction and Parking Budgets as presented. Mr. Simon inquired about salaries and wages for the parking garage employees. Ms. Webb said that she would get to him a spreadsheet.

Ms. Webb said that they were tracking multi-year revenues for the parking garage as well. Mr. Brushi said that the Parking Garage is still an expensive operation.

It was requested that budget reports by Ms. Webb be given quarterly.

**REPORTS**

Ms. Howard said that she had spoken with the Mercer County Clerk, Paula Sollami Covello regarding special election expenses. She said that the State of New Jersey has committed to reimbursing the municipalities for expenses, noting that the County will be billing the State directly.

Ms. Howard also spoke about recent ICE activity in Princeton. She said that it did not follow normal activity and that immediate steps have been taken as this was not through local police enforcement.

Ms. Crumiller said that the Shade Tree Committee will be giving a report on the data base results of the tree count.

Mr. Simon said that the Leaf and Brush Collection schedule will be presented to the Council within the next few months. He said that the Finance Committee has begun discussions regarding the budget process for next year.

Mayor Lempert said that we are in the middle of brush collection now and asked if beginning with leaf pickup, whether the phone system could be used for reminders. She also announced that *Septemberfest* is scheduled for September 21, 2013.

Mayor Lempert said that she recently attended the 100<sup>th</sup> anniversary ceremony at the Hun School.

**RESOLUTIONS**

## 13-242 2013 Salary Resolution

Mr. Bruschi said that the proposed resolution would provide for a 1.75 % salary increase for employees with 19 employees receiving "salary harmonization". Mr. Simon asked if this was an identical resolution to the one previously proposed. Mr. Bruschi said that it was.

Roger Martindell, representing William Urian said that he supported the proposed salary resolution and urged its adoption. He indicated that he thought that on page three, there was a 20% difference between certain class supervisors.

Mr. Miller offered a motion to approve resolution 13-242 as proposed. The motion was seconded by Ms. Butler and carried unanimously.

13-243 Resolution Appointments to Boards Commissions and Committees

Ms. Crumiller offered a motion to approve resolution 13-243 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

13-244 Professional Services Agreement: Harris Surveying, Inc., Boundary Survey, D'Ambrisi Property, Not to Exceed \$3,450.

Ms. Butler offered a motion to approve resolution 13-244 as presented. The motion was seconded by Mr. Miller and carried unanimously.

(Resolutions appended to this set of minutes)

**MINUTES:** April 22, 2013

Mr. Miller offered a motion to approved the Council minutes of April 22, 2013 as presented. The motion was seconded by Ms. Howard and carried unanimously.

**ORDINANCE PUBLIC HEARINGS**

**Lease Agreement With PCH**

Mayor Lempert read by title an ordinance entitled AN ORDINANCE BY PRINCETON AUTHORIZING PURSUANT TO N.J.S.A. 40A:1214(c) A LEASE OF A PORTION OF MONUMENT HALL TO PCH DEVELOPMENT CORPORATION, INC., A NONPROFIT CORPORATION ORGANIZED FOR PUBLIC PURPOSE REASONS

Mayor Lempert opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Liverman offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Ms. Butler and carried unanimously.

**Police Ordinance**

Mayor Lempert read by title an ordinance entitled AN ORDINANCE CONCERNING THE PRINCETON POLICE DEPARTMENT AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY 1068" AND THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974".

Mayor Lempert opened the public hearing.

Charo Juega, Latin American Legal Defense and Education Fund, asked that the ordinance be deferred until Council hear from the consultant, if the intent is to empower the Council. She urged Council to investigate allegations.

Mayor Lempert said that the Public Safety Committee met with the Rodgers Group and it was recommended that the Administrator be named the Appropriate Authority.

Joe Small, Hawthorne Avenue asked why that recommendation was made.

Ms. Crumiller said that Council is under pressure to have an ordinance in place for legal reasons. She said that the ordinance can always be revisited and changed at a later date and noted that this ordinance is not a radical change from either the Township or the Borough ordinance.

Mr. Miller said that discussion of this ordinance goes back three meetings. He said that he voted against it on introduction because he did not have time to consider all the alternatives. He proposed that the ordinance be amended back to the Administrator as the Appropriate Authority.

There being no public comment, the public hearing was closed.

Mr. Miller offered a motion to amend the proposed ordinance to appoint the Administrator as Appropriate Authority. The motion was seconded by Ms. Howard and carried by four affirmative votes ( Ms. Howard, Mayor Lempert, Mr. Miller and Mr. Liverman. Ms. Butler, Ms. Crumiller and Mr. Simon voted in the negative. The public hearing for the amended ordinance was scheduled for September 23, 2013.

#### **CONSENT AGENDA**

Contains items of a routine nature, which are approved by a single vote.

- a. Bills and Claims
- b. 13-245 Liquor License Person to Person Transfer, # 1114-33-001-004, KJDM Holdings, LLC.
- c. 13-246 Resolution: Refund of Duplicate Tax and Sewer Payment, 29 Trewbridge Court, \$2,929.01
- d. 13-247 Resolution and Agreement: Princeton HomeCare, 2013 Nursing Contract, Not to Exceed \$9,000.
- e. 13-248 Banner Request over Washington Road: Witherspoon Grill announcing *Harvest Festival*, September 30 to October 7, 2013.

Ms. Howard asked that item "a", Bills and Claims be removed.

Mr. Liverman offered a motion to approve consent agenda items "b-e" in block. The motion was seconded by Ms. Howard and carried unanimously.

Mr. Simon offered a motion to approve the Governors Lane Reimbursement. The motion was seconded by Mr. Liverman and carried by five affirmative votes. Mr. Miller abstained, as he is a resident of Governors Lane.

Mr. Liverman offered a motion to approve item "a" Bills and Claims, Legal Bills. The motion was seconded by Mr. Simon and carried unanimously.

(Resolutions appended to this set of minutes.)

**13-249 CLOSED SESSION RESOLUTION**

RESOLUTION  
TO GO INTO CLOSED SESSION  
(Open Public Meetings Act Sec.3)

BE IT RESOLVED by the Mayor and Council of Princeton:

1. This body will now convene into a closed session that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.
2. The general nature of the subject or subjects to be discussed in said session is as follows:
  - Personnel: Administrator
  - Personnel: Chief, Professional Services Agreements
  - Negotiations: Cable Franchise
  - Negotiations: Princeton University Voluntary Payment
3. Stated as precisely as presently possible, the following are the time when and the circumstances under which the discussion conducted at said session can be disclosed to the public:

Within 90 days or upon settlement of litigation, if applicable

The above referenced issue was discussed by the Princeton Council.

There being no further business the meeting was adjourned at 11:10 p.m.

Linda S. McDermott  
Municipal Clerk

Public Comment  
9/9/13

At your thoughtful invitation, I had the privilege of attending a meeting of former Princeton governing body members last week concerning the future of the department.

That meeting, and the publication of the present lawsuit by seven police officers against the municipality last Friday, cause me to address you on the subject of governing body leadership and the Princeton police.

I make three points.

First, the Princeton police department suffers from serious dysfunction. The matter deserves your focused attention, for reasons both of taxpayer cost and public safety. Your attention should be direct, transparent, and urgent. I urge you to deal with the dysfunction openly, not only behind closed doors. I urge you to do more than study the problem; you must take responsibility for it and take effective action. I urge you to do more than delegate to others, such as the Administrator or your consultants, the governance responsibilities for which you were elected. The police department is our largest, most costly, and because of its duties, most essential part of municipal government. You must govern the department, or it will govern you!

Second, much of the dysfunction within the Princeton police is focused on the political jockeying that occurs within departmental ranks regarding the chain of command. So long as police personnel continue to politicize the department, it would be a grave mistake for you to appoint any Chief of Police. Whomever you might choose as the next Chief will be the next in line to be accused of wrongdoing. Understandably afraid of that likelihood, anyone appointed Chief will be unable to effectively discharge his or her duties. In that circumstance, it appears that your only reasonable choice in finding an executive leader for the department during the next few years will be to appoint a civilian Public Safety Director from outside the department. When the dysfunction presently within the department is corrected, only then would appointment of a Chief be appropriate.

Third, what happened with the Dudeck matter? Really!

As the matter was dealt with behind closed doors, apparently without anyone taking effective action, and governance of the matter inappropriately delegated, we have a mess. The following appears to have happened:

- A. Mr. Dudeck was allowed to "resign" as Chief in February but kept on the payroll for six months, at full pay -- and he earned in the range of \$165,000/year, not including benefits -- without the town receiving any accounting regarding his alleged conduct or according him a chance to clear his name.
- B. To motivate Mr. Dudeck to "resign," he received a release of the municipality's claims against him for his alleged wrongful conduct: so now likely the town can't hold him responsible for what he may have done, although at the time of releasing

its claims against him the town knew allegations of wrongdoing had been made against him.

- C. While Mr. Dudeck received a release of claims from the town, apparently the town didn't receive a release of claims from his accusers. As a result, Mr. Dudeck's accuser now can hold you -- and the taxpayers -- liable for Mr. Dudeck's alleged wrongful conduct.
- D. And here's the kicker: who's going to pay Mr. Dudeck's legal fees in the newly revealed litigation? Yes, it will be the taxpayers -- because the municipality allowed Mr. Dudeck to resign at full pay without obtaining a waiver of his claim to have the town pay his legal fees.

In sum, Princeton taxpayers will get stuck with a Dudeck bill three times: (1) they paid him to leave his employment; (2) they will pay to litigate and/or settle the recently announced claims against him; and (3) they will pay his legal fees in connection with the newly announced litigation.

It could cost Princeton taxpayers millions of dollars, directly or through its insurance carrier who, no doubt, will increase the insurance premiums the town pays.

Had the matter been dealt with other than behind closed doors, with effective action, and not by the governing body inappropriately delegating its governance responsibilities to others, the municipality would not be facing multi-million dollar potential liability for police mismanagement.

I hope that you can tell me that I'm incorrect in my analysis. Can you?

Thank you.