

April 22, 2013
PRINCETON COUNCIL MEETING
April 22, 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 Crumiller, Howard and Messers Liverman, Miller and Simon and Mayor Lempert.

Absent: Ms. Butler.

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

PLEDGE OF ALLEGIANCE

The audience participated in the Pledge of Allegiance as led by Ms. Counts 6th grade class, John Witherspoon Middle School.

PROCLAMATION: National "Donate Life" Month

Mayor Lempert read a proclamation in regard to National "Donate Life" Month.

COMMENTS FROM THE AUDIENCE

Candace Preston, White Oak Drive expressed her concern about the Transco Pipeline.

Mr. Schmierer reported that Transco has taken position that any of the information that they have filed is confidential.

Barbara Blumenthal said that the town has a role to play and that it is important that people know what is happening. People want to know why Transco wants to do the project in this area.

Stephen Griffiths, 43 Maple Street said that he is opposed to Avalon Bay and is concerned about the lack of transparency. He said that scientists are studying climate change and we have to consider sustainability and the carbon footprint.

Kip Cherry, Sierra Club discussed the impacts of the Transco Pipeline noting that there is much that has to be brought to FERKS attention.

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Corinna Wilkinson, Food and Water Watch said that we need to intervene in the Transco pipeline project before the project is filed, so that we have the right to appeal and have standing. She asked that Council pass a resolution stating objections to the project and ask for a full environmental impact study. Ms. Wilkinson said that the maps of the project should be made available to the public.

Joseph Weiss, 70 Leigh Avenue asked that a thorough review of the Avalon Bay development.

Melissa O'Connor said that she was very concerned about the Transco Pipeline project and its environmental impacts. She asked to see the maps and that a full environmental impact study is done.

Greg Peale, Bouvant Drive asked for a release of the documentation for the Transco Pipeline.

Mayor Lempert said that representatives of Avalon Bay did approach the town and noted that a consent order is not a settlement. She said that we are working hard to get them to agree to a town meeting. She said that we are in litigation and at this point we are as transparent as we can be.

Frank Weiner, 150 Loomis Court commented on the municipal budget. He said that people are being driven out of their own community and suggested that the budget may be out of whack.

Joseph Small, Hawthorne Avenue said that there is evidence of failing confidence in our elected officials. Chief Dudeck was forced to resign and more questions should have been asked about the Transco Pipeline and Avalon Bay.

PRESENTATION

Annual Report, Arts Council of Princeton, Jeff Nathanson

Jeff Nathanson, Arts Council of Princeton presented to the Mayor and Council a video about the Arts Council and its current activities. Noting the many positive activities that they are involved in, he said that they are here to serve the entire community. Ms. Crumiller, Ms. Howard and Mr. Miller all thanked Mr. Nathanson and the Arts Council.

WORK SESSION

Municipal Budget, Citizens Finance Advisory Committee, Scott Sillars

Mayor Lempert recognized the members of the Citizens Finance Advisory Committee (CFAC).

Scott Sillars, Chair of the CFAC showed a power point presentation to the Mayor and Council detailing the current budget process. He said that the budget reflects a real savings from Consolidation resulting in lower municipal tax, with the savings in salaries and wages offsetting the expanded trash service. He said that the savings are funding lower tax collections, normal cost pressures and higher storm related costs.

Mr. Sillars noted that while the municipal portion of property taxes is the smallest portion of our property tax bills, property tax bills will nonetheless increase as Mercer County has announced an 11% budget increase and

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the Princeton Schools has increased by 2%. Other increases in the budget are due to normal “cost creep”, transition cost amortization and one- time costs.

Regarding the municipal tax, the combined municipal and open space tax of 48 cents is the same as 2013 Borough rate and 1 cent less for the old Township rate. Mr. Sillars said that the lower municipal tax revenue is from lower total assessments and a lower blended tax rate.

Mr. Sillars said that the current fund surplus could grow by \$1MM in 2013. He said that presently, surpluses in Current and Capital Funds are roughly in balance and that the Total Surplus appears to be very healthy.

REPORTS

Mr. Simon reported that the Emergency Preparedness Task Force has been looking at weather related emergencies.

RESOLUTIONS

13-121 Appointments, Boards and Commissions

Ms. Crumiller offered a motion approving the resolution authorizing appointments to Boards and Commissions.

The motion was seconded by Mr. Liverman and carried by five affirmative votes.

13-121A Establishment of Economic Development Task Force

Mr. Miller offered a motion approving the resolution authorizing the Establishment of an Economic Task Force.

The motion was seconded by Mr. Liverman and carried by five affirmative votes.

13-122 Michael Barrett, Esq. Municipal Public Defender 2013, Not to Exceed \$55,000.

Ms. Howard offered a motion approving the resolution authorizing the appointments Michael Barrett, Esq. Municipal Public Defender 2013. The motion was seconded by Mr. Liverman and carried by five affirmative votes.

13-123 Professional Services Agreement, JT Surveying, For Monument Resetting at 422 Ewing Street, Not To Exceed \$350.00

Mr. Liverman offered a motion approving the resolution authorizing the Professional Services Agreement, JT Surveying, for Monument Resetting at 422 Ewing Street. The motion was seconded by Ms. Crumiller and carried by five affirmative votes.

13-124 Professional Services Agreement, Greater Mercer TMA, Inc. Shuttle Service Administration Services \$450 per month from April 23, 2013 through December 31, 2013

Ms. Crumiller offered a motion approving the resolution authorizing the Professional Services Agreement, Greater Mercer TMA, Inc. Shuttle Service Administration Services \$450 per month from April 23, 2013 through December 31, 2013. The motion was seconded by Mr. Miller and carried by five affirmative votes.

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13-125 Developers Agreement, Arts, Education and Transit Project (Princeton University)

Mr. Liverman offered a motion approving the resolution authorizing the Developers Agreement, Arts, Education and Transit Project (Princeton University)... The motion was seconded by Mr. Simon and carried by three affirmative votes. Ms. Howard and Mayor Lempert were recused from any discussion and vote. Ms. Butler was absent.

13-126 Merwick Stanworth Development Agreement (Princeton University)

Mr. Simon offered a motion approving the resolution authorizing the Merwick Stanworth Development Agreement (Princeton University). The motion was seconded by Ms. Crumiller and carried by five affirmative votes.

13-127 Merwick Stanworth Affordable Housing Agreement (Princeton University)

Ms. Crumiller offered a motion approving the resolution authorizing the Merwick Stanworth Affordable Housing Agreement (Princeton University) as amended. Mr. Simon asked that maximum "obligation" be inserted. The motion was seconded by Mr. Liverman and carried by five affirmative votes.

13-128 Purchase of Turnout Gear for Princeton Fire Department, \$54,642.68

Mr. Simon offered a motion approving the resolution authorizing the Purchase of Turnout Gear for Princeton Fire Department. The motion was seconded by Mr. Liverman and carried by five affirmative votes.

13-129 Authorizing an Installment Tax Payment Agreement for Block 6902 Block 22 in the amount of \$10,665.89.

Mr. Liverman offered a motion approving the resolution authorizing an Installment Tax Payment Agreement for Block 6902 Block 22 in the amount of \$10,665.89. . The motion was seconded by Mr. Miller and carried by five affirmative votes.

ORDINANCE PUBLIC HEARINGS

Parking Regulations

Mayor Lempert read by title an ordinance entitled AN ORDINANCE BY PRINCETON AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968" CONCERNING PARKING REGULATIONS IN THE COMMUNITY POOL PARKING YARD AND POLICE DEPARTMENT PARKING YARD.

Mayor Lempert opened the public hearing.

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

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Mr. Miller offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Ms. Crumiller and carried by four affirmative votes. Mr. Simon voted in the negative and Ms. Butler was absent.

Fire Prevention

Mayor Lempert read by title an ordinance entitled AN ORDINANCE BY PRINCETON CONCERNING FIRE PREVENTION AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

Mayor Lempert opened the public hearing.

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

Mr. Miller offered a motion to approve Article II only of the proposed ordinance on second reading. The motion was seconded by Mr. Liverman and carried by five affirmative votes.

Vacating Public Right of Way

Mayor Lempert read by title an ordinance entitled AN ORDINANCE BY PRINCETON VACATING A PUBLIC RIGHT-OF-WAY ON BLOCK 31.02, LOT 66, PRINCETON TAX MAP.

Mayor Lempert opened the public hearing.

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

Ms. Howard offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Mr. Simon and carried by five affirmative votes.

Refunding Bond Ordinance

Mayor Lempert read by title an ordinance entitled REFUNDING BOND ORDINANCE OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE FUNDING OF AN EMERGENCY APPROPRIATION RELATED TO EXPENSES INCURRED FOR THE CONSOLIDATION OF THE TOWNSHIP OF PRINCETON AND THE BOROUGH OF PRINCETON APPROPRIATING \$2,292,580 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,292,580 REFUNDING BONDS OR NOTES FOR FINANCING THE COST THEREOF.

Mayor Lempert opened the public hearing.

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

Mr. Simon offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Mr. Liverman and carried by five affirmative votes.

Bond Ordinance – North Harrison Street Sidewalks

Mayor Lempert read by title an ordinance entitled BOND ORDINANCE BY PRINCETON AUTHORIZING AS A LOCAL IMPROVEMENT THE CONSTRUCTION OF SIDEWALKS ALONG THE WESTERLY SIDE OF NORTH HARRISON STREET ADJACENT TO BLOCK 5410, LOTS 5, 6 AND 7, PRINCETON TAX MAP, APPROPRIATING THE SUM OF \$8,461.00 THEREFOR, PROVIDING FOR THE FINANCING OF SAID APPROPRIATION BY THE MAKING OF A DOWN PAYMENT AND THE ISSUANCE OF BONDS AND NOTES OF SAID PRINCETON AND FURTHER PROVIDING FOR THE SPECIAL ASSESSMENT OF FIFTY (50%) PERCENT OF THE COST THEREOF ON THE ABOVE-REFERENCED PROPERTY OWNERS.

Mayor Lempert opened the public hearing.

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

Mr. Simon offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Mr. Liverman and carried by five affirmative votes.

ORDINANCE INTRODUCTIONS

Rental Housing Code

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE BY PRINCETON CONCERNING RENTAL HOUSING CODE AND RENT REGISTRATION AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968". (Public Hearing May 13, 2013)

This ordinance was deferred until the Council meeting of May 13, 2013.

Kiosk Lease Agreement

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE BY PRINCETON AUTHORIZING LEASE AGREEMENT FOR THE KIOSK LOCATED AT WITHERSPOON AND NASSAU STREETS.)

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Mr. Miller offered a motion to approve the proposed ordinance on first reading. Mr. Simon seconded the motion, which was carried by three affirmative votes. The affirmative votes were Mr. Miller, Mr. Liverman and Mr. Simon. Ms. Howard and Ms. Crumiller voted in the negative and Ms. Butler was absent. The public hearing was set for May 13, 2013.

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

a. Bills and Claims

b. Resolution: 13-130 Banner Request for Princeton Chamber of Commerce, for Annual Mid-Summer Marketing Showcase, to be hung over Washington Road, July 10 – July 17, 2013

c. Resolution: 13-131 2013 Mileage Rate

d. Resolutions:

- 13-132 Fire Department Associate Membership, Jay Cheng
- 13-133 Fire Department Associate Membership, James G. Buzgo
- 13-134 Fire Department Membership, Katherine Bertha Heinz
- 13-135 Fire Department Membership, Steven Alexander Kolock

e. Resolution: 13-136 Condominium Assistance Loan for Block 802, Lot 11304

f. Street Closing Request:

- Julie Hagan, May 27, 2013, 5:00 p.m. – 7:00 p.m. Olden Lane and Battle Road Circle, for annual Memorial Day Block Party, contingent upon approval of Traffic Safety Officer

g. Resolutions: 13-137 Cancellation of Property Taxes, Block 2401, Lot 15, QL-C03
13-138 Cancellation of Property Taxes, Block 2401, Lot 15, QL-C06

h. Resolution, 13-139 Accepting 2011 Princeton Borough Audit

i. Resolution, 13-140 Corrective Action Plan

j. Resolution: 13-141 Bid Award: 2013 Spring Planting, Andy/Matt Inc., \$13,234.00

k. Music Amplification Requests:

- Susan G. Solomon, party at 47 Hardy Drive, May 4, 2013, 5:00 p.m. to 11:00 p.m.
- Historical Society of Princeton, wedding at Updike Farm, 354 Quaker Road, May 25, 2013, 5:00 p.m. to 10:00 p.m.

l. Resolution: 13-142 Bingo Application 005 St. Paul School PTA

m. Resolution: 13-143 Raffle Application 006 St Paul School PTA

Mr. Liverman offered a motion to approve the consent agenda as presented. The motion was seconded by Ms. Howard and carried unanimously.

(Resolutions appended to this set of minutes.)

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13-144 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:

Litigation

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

Litigation: Avalon Bay

The above referenced issue was discussed by the Princeton Council.

There being no further business the meeting was adjourned at 11:50 p.m.

Linda S. McDermott
Municipal Clerk