

These minutes not yet  
Approved by the Princeton Council

## PRINCETON COUNCIL MEETING

May 13, 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 as led by the Riverside School 5th grade class.

**MINUTES:** February 25, and April 1, 2013

The minutes of February 25, and April 1, 2013 were tabled until the Council meeting of May 28, 2013.

**PROCLAMATION:** Police Officers/PFARS Members

**COMMENTS FROM THE AUDIENCE**

Grace Sinden, discussed sustainability and the Avalon Bay Project and asked that meaningful energy efficiency be made a basic feature of the proposed development.

Dr. Sam Hammod, Janice Hall and Daniel Harris also spoke in regard to sustainability and LEEDs certification as it pertains to the Avalon Bay project.

Janice Hall, 15 Park Place, and Daniel Harris, 28 Dodds Lane, urged Council to push Avalon Bay to comply with LEED silver standards.

Mayor Lempert said that the Council is not negotiating with Avalon Bay and noted that we are not giving them anything.

George Stafford, New Jersey Highlands Coalition discussed a resolution of continuing support for the Goals and Purposes of the 2004 Highlands Water Protection and Planning Act.

Theresa Stemfield, Sierra Club, spoke about the Avalon Bay project as it relates to the D&R Canal Commission. She said that she supported the action of the NJ Highlands Council and noted that the drinking water is in jeopardy.

Barbara Blumenthal, spoke about the Transco Pipeline issue. She said that some residents want engineering support to look at options for running the new pipeline..

Ross Wishnick, Human Services Commission discussed the Send Hunger Packing program and the showing of "A Place at the Table" on Sunday, June 9, 2013, 4:00 p.m. at The Garden Theatre.

(Written comments appended to this set of minutes)

## **PRESENTATIONS**

### **DPW/SOC Cold Storage Facility, River Road**

Robert Hough, Director Infrastructure and Operations and Deanna Stockton, Engineering, discussed with Council a power point presentation regarding the River Road Cold Storage Facility Proposal.

Mr. Hough said that a lot of valuable equipment sits outside and loses value or approximately 25% or \$1.4 million due to shortened life expectancy. The projected budget for the proposed cold storage facility is \$1.7 million, with the project beginning in June 2014 and completion in October 2014.

Mr. Hough asked that Council approve an expenditure of \$1.7 million for a Cold Storage Facility from the \$2.6 million ordinance that is currently in place for a Public Works Facility at a future meeting.

### **FreeB Update**

Marvin Reed thanked Council for their support of the FreeB program. He said that the program was overwhelmingly successful with the promotion of Communiversality. Mr. Reed said that the bid process was very successful and a contract awarded to Stouts II, Inc. in the amount of \$283,875. Ms. Crumiller asked how long the FreeB has been operating AND Mr. Reed said four years.

### **WORK SESSION**

Municipal Budget, Citizens Finance Advisory Committee (CFAC), Scott Sillars

Scott Sillars, Chair of the CFAC showed a power point presentation to the Mayor and Council regarding the current budget process and the fund balance. 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. Mr. Sillars said that a pass through of savings to taxpayers through a modest rate cut is possible, subject to Transition Cost reimbursement by the State. 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 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 stressed that isolated decisions should not be made on capital planning.

Mr. Sillars said that the next steps include creating long term financial projections, a review of the long term capital spending plan and a further analysis of fund balances.

Ms. Butler said that we need a list of things that need attention in the next 5 to 7 years.

Mr. Simon asked about the balances in COAH funds. Mr. Bruschi said that there will be some balance but not a huge amount as it appears that there is some gap. Ms. Crumiller asked if there was a way to shift some of the debt using surplus. Mr. Bruschi said that it could be done but that he wouldn't recommend it.

Mr. Miller said that he would like to be very comfortable that if we drop the tax rate this year, we won't have to raise it again next year.

Mr. Simon said that any tax cut that we implement this year, we risk a tax increase in the future.

It was the consensus of the Council to put in for a 1 cent tax decrease.

### **13-145 Resolution, Conflict of Interest Policy**

Brad Middlekauf discussed with the Mayor and Council recommended changes to the Conflict of Interest Policy. He said that we could use a local attorney or special counsel for ethics or conflicts or go to the state local finance board.

Council discussed the issue of conflict and whether one should leave the dais during said discussions. It was felt that they should and that it was best to leave the room altogether during such discussions.

Ms. Crumiller asked whether we should establish our own ethics board, and it was the consensus that we should not, noting that it would work similar to the state local finance board. Mr.

Middlekauf said that he did not think that it should be part of the mix and that Council should look to approve this policy so that one is in place and then keep looking at new and improved options.

Ms. Butler said that in the Borough, University connections were viewed as a conflict adding that she was concerned about the list of people that could be considered resulting in conflict. Ms. Butler also said that we should add more items in the Conflict of interest, making it more comprehensive.

Mr. Miller recommending adopting the policy and having the personnel committee continue to work on it.

Mary Ellen Marino urged Council to move forward with the Conflict of Interest Policy.

Roger Martindell said that Council should pause and take on the substance of conflicts. He said that the biggest conflict can be between the community and the University. He asked that Council get more public input and add a new committee to craft a standard.

Joe Smalls, Hawthorne Avenue, said to pay more attention to generalities.

Ingrid Reed said that she chaired the Governor's Task Force on Ethics and thanked the Council for taking on this policy discussion.

Mr. Miller offered a motion to approve Resolution 13-145 with some fine tuning. Mr. Liverman seconded the motion which was carried unanimously.

### **13-146 Resolution, Transco Pipeline**

Matt Wasserman, Chairman of the Environmental Commission discussed with Council a proposed resolution for the Transco Pipeline.

Ms. Howard asked what the difference between an intervener and interested party status. Mr. Schmierer said that he was not sure that there was such a status on FERC. One reserves the right to appeal a matter as the intervener. He said that we could just be listed as an interested party. When the window opens for the intervener then we would be allowed a 21 day period after they file to gain the status.

Ms. Crumiller said to put the intervener question on the agenda in the next month or two and bring it back up again.

Mr. Simon suggested that Council authorize Administration to apply as an intervener at the appropriate time.

Ms. Crumiller and Mayor Lempert suggested putting the issue back on the agenda in July. It was the consensus of Council to agree.

## **REPORTS**

Ms. Howard reported that the Legal Committee has been looking for ways to drive down the size and cost of bills. Ms. Howard also noted that the Police ordinances and Administrative Code are also being reviewed.

Ms. Crumiller said that the Shade Tree ordinances are currently being reviewed.

Mr. Bruschi reported that the Fire House expansion and other uses for the Valley Road school are being reviewed.

Ms. Butler said that the Historic Preservation Commission is reviewing their ordinances on a subcommittee level.

## **RESOLUTIONS**

13-147 Mercer County Wastewater Management Plan

13-148 Professional Services Agreement, Amendment, Miller, Porter & Muller, Avalon Bay Communities, Not to Exceed \$15,000.

13-149 Professional Services Agreement, Ronica A. Bregenzer, Architect, Signage Improvements at Mountain Lakes parking lot and gated entrances, Not To Exceed \$26,000.

13-150 Award of contract for Jitney, Community Shuttle Services to Stout's II, Inc. \$283,875.00 (31 months minimum contract period).

13-151 Award of Contract for Armored Car Services to Eastern Armored Services, Inc. \$98,952.00 (19 months minimum contract period) .

13-152 Shared Services Agreement with Princeton Public Schools providing for the improvements of the Community Park School entrance drive and parking area.

13-153 Resolution authorizing the execution of a hold harmless document relating to entrance improvements to Mountain Lakes funded by an anonymous donor.

13-154 Professional Services Agreement, Johnson, Mirminan & Thompson, Inc. for revisions to Harry's Brook Culvert Easement, Not To Exceed \$900.00.

Mr. Liverman offered a motion to approve resolutions 13-147 to 13- 154 as presented. The motion was seconded by Mr. Miller and carried unanimously.

(Resolutions appended to this set of minutes)

### **ORDINANCE PUBLIC HEARING**

Mayor Lempert read by title an ordinance entitled: AN ORDINANCE BY PRINCETON AUTHORIZING LEASE AGREEMENT FOR THE KIOSK LOCATED AT WITHERSPOON AND NASSAU STREETS (To Be Tabled).

Mayor Lempert opened the public hearing.

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

Mayor Lempert said that the Princeton Chamber of Commerce asked that the ordinance be tabled while they review other options for the kiosk. Ms. Butler offered a motion to table the proposed ordinance. Ms. Crumiller seconded the motion which was carried unanimously.

### **ORDINANCE INTRODUCTIONS**

#### **Refunding Bond Ordinance**

Mayor Lempert read by title on first reading a proposed ordinance entitled: **REFUNDING BOND ORDINANCE OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL IMPROVEMENT BONDS, SERIES B OF 2003, ORIGINALLY ISSUED BY THE BOROUGH OF PRINCETON AND GENERAL OBLIGATION BONDS OF 2006 AND GENERAL IMPROVEMENT BONDS OF 2008, ORIGINALLY ISSUED BY THE TOWNSHIP OF PRINCETON, APPROPRIATING \$25,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY PRINCETON OF ONE OR MORE SERIES OF REFUNDING BONDS IN THE**

**AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$25,500,000 FOR FINANCING THE COST THEREOF.**

Ms. Crummiller offered a motion to approve the proposed ordinance on first reading. Mr. Miller seconded the motion, which was carried unanimously. The public hearing was set for May 28, 2013.

**Sanitary Sewer Line**

Mayor Lempert read by title on first reading a proposed ordinance entitled: **AN ORDINANCE BY PRINCETON AUTHORIZING ACQUISITION OF EASEMENT AND RIGHT OF WAY FOR SANITARY SEWER LINE.**

Ms. Crummiller offered a motion to approve the proposed ordinance on first reading. Mr. Liverman seconded the motion, which was carried unanimously. The public hearing was set for May 28, 2013.

**Washington Oaks Handicapped Parking**

Mayor Lempert read by title on first reading a proposed ordinance entitled: **AN ORDINANCE DESIGNATING TWO (2) ADDITIONAL HANDICAPPED PARKING SPACES WITHIN THE WASHINGTON OAKS AT PRINCETON COMMUNITY AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".**

Mr. Simon offered a motion to approve the proposed ordinance on first reading. Ms. Butler seconded the motion, which was carried unanimously. The public hearing was set for May 28, 2013.

**Right of Way**

Mayor Lempert read by title on first reading a proposed ordinance entitled: **AN ORDINANCE ACCEPTING A RIGHT-OF-WAY DEDICATION ON BLOCK 3501, LOT 3, PRINCETON TAX MAP BY PRINCETON.**

Mr. Miller offered a motion to approve the proposed ordinance on first reading. Ms. Crummiller seconded the motion, which was carried unanimously. The public hearing was set for May 28, 2013.

**CONSENT AGENDA**

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

a. Bills and Claims

b. Maintenance/Performance Guarantees:

- Barry Gordon, Gordon Bunn Drive MAB Associates, LLC, Completion Time Extension to June 4, 2013

- Alan Upperco, Financial Manager, Princeton University, Bedford Field Improvements

Phase I, Release of Performance Guarantee, no maintenance required

c. 13-155 Request for Pole Banners, Princeton University Art Museum, Nassau Street, June 15-September 21, 2013

d. 13-156 Banner Request, For the Princeton Festival, Summer Arts Festival, to be hung over Washington Road, June 10-June 17, 2013

e. 13-157 Banner Request for Stony Brook Millstone Watershed Association, for the Annual Butterfly Festival, to be hung over Washington Road, August 1- August 8, 2013

f. 13-158 Banner Request for HomeFront, for the Run/Walk for Hope, to be hung over Washington Road May 14-May 20, 2013

g. 13- 159 Banner Request for Triangle Club of Princeton, to promote their performance at McCarter Theater, to be hung over Washington Road, May 27 to June 3, 2013

h. 13-160 Resolution Appointing Lily Huie, Qualified Purchasing Agent

i. 13-161 Resolution, Fire Department Junior Membership, Robert James Quinn

j. 13-162 Resolution Supporting Click It or Ticket, May 20 – June 2, 2013

Ms. Butler offered a motion to approve the consent agenda items “b” through “k”. The motion was seconded by Ms. Crumiller and carried unanimously.

After a review of the bills list, Ms. Crumiller offered a motion to approve item “a”. The motion was seconded by Mr. Miller and carried unanimously.

(Resolutions appended to this set of minutes.)

**13-163 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 – Avalon Bay  
Negotiations – Potential Land Acquisition  
D'Ambrisi Property  
Municipal Contract Negotiations – Status Report

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 12:30 p.m.

Linda S. McDermott  
Municipal Clerk