

May 28, 2013

**These minutes not yet
Approved by the Princeton Council**

**PRINCETON COUNCIL MEETING
May 28, 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

Will Ratner, 87 Cedar Lane, 7th grader at the John Witherspoon Middle School presented to Council a petition, which is part of his community service project for his Bar Mitzvah. The petition, which had 80 signatures on it, supported the establishment of a dog park within one of the existing parks in the Princeton Community. Mayor Lempert accepted the petition and said that she would have the Recreation Board look into the possibility of a dog park.

Kip Cherry, 24 Dempsey Avenue discussed with Council the Transco pipeline meeting to take place June 12 and 13, 2013, 7:00 p.m., Hillsboro Township Middle School. She said that this is a scoping

May 28, 2013

meeting and is very important. Mr. Simon asked if the resolution passed by Council at its last meeting was submitted to FERC. Mayor Lempert said that it was and that Scocia McCrea from Rush Holt's office was following up.

WORK SESSION

13-164 Resolution: Personnel Manual

This discussion was tabled to another date, due to questions that still need to be addressed. The Personnel Manual will be sent to the Personnel Committee for further review.

Ms. Butler said that we might as well hear the comments now and asked if there was any reason that the recommendation from Administration is not what was previously recommended. Mr. Bruschi said that after review of how the recommendations were arrived at, there were some ambiguities.

Ms. Crumiller said that one could tell that this document reflected a lot of work.

REPORTS

Ms. Howard said that a new Director of Human Services has been hired. She also said that the "*Send Hungar Packing*" fundraiser will be held on June 9, 2013 at the Garden Theatre.

Ms. Howard said that monthly Police Reports will be given to Council beginning with the next meeting. She also noted that four cases of bacterial meningitis have been reported at Princeton University. There is no impact to the community, and the situation will continue to be monitored.

Ms. Crumiller said that the Shade Tree Commission is working on a combined ordinance.

Mr. Liverman said that Princeton Community Housing moved from Clay Street to Redding Circle. He said that Corner House has also moved into Monument Hall and an Open House is planned for June 19, 2013, 3:00 p.m. to 7:00 p.m.

Ms. Butler announced that the Community Park Pool is open for the season.

Mr. Simon said that the Emergency Preparedness Task Force continues to work on annexes to the Emergency Preparedness Plan.

Mr. Schmierer said that they were reconciling the Affordable Housing account. Ms. Butler said that she would be looking for a report on any exposure with the funds.

May 28, 2013

RESOLUTIONS

13-165 Professional Services Agreement, Shirley Bishop for Affordable Housing, Not To Exceed \$12,000.00

Ms. Crumiller offered a motion to approve resolution 13-165 as presented. The motion was seconded by Ms. Butler and carried unanimously.

13-166 Shared Services Agreement with Montgomery Township, Back up Animal Control Services, Not to Exceed \$15,000.00

Ms. Butler offered a motion to approve resolution 13-266 as amended. The motion was seconded by Mr. Liverman and carried unanimously.

13-167 Bid Award, Tactical Public Safety, LLC, Upgrades to Police Radio System, Not to Exceed \$101,342.46

Mr. Miller offered a motion to approve resolution 13-267 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

13-168 Resolution Authorizing the Expenditure of \$89,175.00 from the Princeton Open Space Trust Fund towards the Acquisition of Block 4201, Lot 3

Ms. Butler offered a motion to approve resolution 13-268 as presented. The motion was seconded by Mr. Miller and carried unanimously.

(Resolutions appended to this set of minutes)

MINUTES: February 25 and April 1, 2013

Ms. Howard offered a motion to approve the Council minutes of February 25 and April 1, 2013 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

2013 MUNICIPAL BUDGET

- 13-169 Resolution: To read the budget by title only

Ms. Butler offered a motion to approve resolution 13-169 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

- Public Hearing, 2013 Municipal Operating Budget

Mrs. Monzo reviewed with Council a power point presentation regarding the 2013 Municipal Operating Budget.

May 28, 2013

Mr. Miller said that he was concerned if the municipal property tax was reduced by 1 cent as we are five months into the year and there still is a lot of uncertainty. He suggested that we complete the first year of consolidation before making reductions. Mrs. Monzo said that she agreed with a conservative approach.

Ms. Butler said that she shared Mr. Miller's concerns as we know that there are capital projects coming up. She said that the budget process was a departure for what was done in the Borough and said that she wished that there was more backup provided. Ms. Butler said that this was a unique year and she noted the reduction in the PILOT for the Institute for Advanced Study.

Mayor Lempert opened the public hearing.

Frank Weiner, Loomis Court said that he felt that the surplus is so much more than what was customary for communities in Mercer County. He said that he was disappointed that more people have not come out for the budget public hearing.

Mr. Weiner said that he believed that we were making a profit on the sewer rate. Mrs. Monzo said that we were not and that she would be happy to provide information about the sewer rate to him.

Scott Sillars, Chair, Citizens Finance and Review Committee said that this budget is very solid, very conservative and very predictable. He said that every year the surplus has grown.

Mr. Simon asked that the salaries and wages for Mayor and Council be removed. He also asked that the word approved be replaced with introduced. Mayor Lempert said that the language for the amending resolution comes from the state. Mrs. Monzo said that she was concerned that different wording would be a problem with the state.

Mr. Simon said that for the record, this was an "introduced" budget.

May 28, 2013

Mr. Liverman said that he agreed with the increase in salary for the governing body. Ms. Butler said that she agreed with Mr. Liverman, and if we want to be diverse we need a raise. She said that they ran for Council based on the recommendation, even if it was wrong.

Mr. Miller said that he did not campaign on a specific salary. Ms. Howard said that she agreed with Mr. Liverman and said that this is the start of a dialogue for next year. Mayor Lempert said that we take seriously the recommendations but still have a duty if it is a mistake to do the right thing.

Mr. Simon said that we have cut several positions since last year, with more discussions to come. He said that it weakens Councils position when discussing other salaries.

Ms. Crumiller said that she did not think that this amount of money changes the diversity status. Ms. Butler said that she disagreed and thought that this amount might make a difference.

- 13-170 Resolution Amending the 2013 Municipal Operating Budget

Ms. Butler offered a motion to approve resolution 13-170 as amended. The motion was seconded by Ms. Howard and carried unanimously.

- Adoption of the 2013 Municipal Operating Budget (To Be Tabled until June 10, 2013)

The Mayor and Council tabled the adoption of the 2013 Municipal Operating Budget until June 10, 2013.

ORDINANCE PUBLIC HEARINGS

CAP Bank

Mayor Lempert read by title on first reading a proposed ordinance entitled PRINCETON CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A: 4-45.14)

Mayor Lempert opened the public hearing.

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

May 28, 2013

Mr. Simon asked if we are below the CAP before or after the decrease. Mrs. Monzo said both.

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

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.

Mayor Lempert opened the public hearing.

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

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

Right of Way 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.

Mayor Lempert opened the public hearing.

May 28, 2013

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

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

Handicap Parking Spaces, Washington Oaks

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".

Mayor Lempert opened the public hearing.

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

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

Accepting 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.

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. Miller and carried by five affirmative votes.

May 28, 2013

ORDINANCE INTRODUCTION

Police Department

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE CONCERNING THE POLICE DEPARTMENT AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968" AND THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974".

Ms. Crumiller suggested that the public hearing of the proposed ordinance be tabled until Council received the auditors report.

Mr. Bruschi said that he recommended that Council introduce the ordinance because much of what is in it is under state ordinance.

Ms. Butler said that she felt that some of these are policy decisions and that there should be discussions on the Council level.

Mr. Bruschi said that the administrator is the appropriate authority for personnel matters and that he had never seen an ordinance with staffing requirements and cautioned that Council had enough on their plates.

Ms. Crumiller said that the personnel manual requires ordinance of all positions.

Mr. Simon asked that paragraph two be stricken from the proposed ordinance.

Ms. Crumiller as that everything be kept functionally the same and would like Council to have a say in certain disciplinary situations.

Mr. Miller said that it would be good for Council to understand the differences and pros and cons between having the administrator or the Council as the appropriate authority.

Mr. Simon said that he would like to have the proposed ordinance discussed in a Work Session and wants to comply with the Open Public Meetings Act by not having emails going back and forth.

Mr. Simon also asked if the language in paragraph 8A is state language. Mr. Schmierer said that it comes directly from Title 40.

It was the consensus of the Mayor and Council to table the public hearing until June 10, 2013.

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
 - Integrated Construction and Utilities, Hilltop Dr., Mansgrove Rd & Woodland Rd, Release of Maintenance Guarantee.
 - Tom O'Shea, Institute for Advance Study, Short Term Academic Housing, Reduction of Performance Guarantee to and \$273,548.43 and an extension of time to May 19, 2015.
 - Mark Wilson, Program Manager, Princeton University, Broadmead Tract Electrical Service, extension of time to May 31, 2015.
- c. 13-171 Banner Request, For the YWCA Princeton, ETS Firecracker 5K Run/Walk, to be hung over Washington Road, June 17- June 24, 2013
- d. 13-172 Resolution, Fire Department Membership, James Poole, Hook & Ladder
- e. 13-173 Resolution, Appointments, Boards and Commissions

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

(Resolutions appended to this set of minutes.)

13-174 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:

Negotiations – Union Contract Status Reports
Non Union Salaries
Transco

May 28, 2013

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