

**These Minutes Not Yet Approved  
by the Princeton Council**

**PRINCETON COUNCIL MEETING  
August 26, 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 2, 2014 at 6:45 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, Howard and Messers Liverman, Simon and Mayor Lempert.

Absent: Mr. Miller.

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

**PLEDGE OF ALLEGIANCE**

The audience participated in the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC**

Kip Cherry, 24 Dempsey Avenue discussed with Council the success of the petition drive and the support to save the Valley Road School. Ms. Cherry said that there is an out of state investor interested in the Valley Road School project.

Bruce Afron, Esq. said that he had met with Mr. Schmierer to discuss the timing issue of the petition. He said that while the timing of the petition may not compel the issue to be on the ballot, he said that he disagreed about the question of the municipality to negotiate with the school board regarding the property.

Richard Woodbridge, 681 Prospect Avenue said that Larry Sprague specializes in taking public buildings to renovate and rehab at zero cost.

## **PRESENTATION**

### **Parks and Recreation Fund, Peter O'Neill**

Mr. O'Neill discussed with Council the Parks and Recreation Fund. He said that they are still in the process of collecting funds for the Community Park Pool project. He said that the initial cost was \$6.1 million for the pool project and that the fund made an agreement to raise \$1 million toward it.

Ms. Butler said that the group did a yeoman's job during the fund drive and we thank you. Mr. O'Neill said that the original agreement was done in July 2012 for a concrete pool then amended to the pool that we have now. Ms. Butler asked if we could find a way to turn over what was raised to date and invested. Mayor Lempert said that it could be done by putting an amended agreement on the next meeting agenda.

Mr. Simon asked if we are talking about covering the \$1 million in debt service or the debt overall. Ms. Monzo said that it would be the \$1 million in debt service over 20 years.

## **REPORTS**

### **2013 Budget Status Report**

Ms. Webb discussed with Council the 2013 Budget status report. She said that this was something that was done routinely in the Borough. Ms. Bruschi said that it gave Council a review of how we are performing. Mr. Simon asked if we more or less project where we will be at the end of the year. Ms. Webb said that we could do that. Ms. Butler said that previously Borough legal fees had ran over and wondered if we are currently on track with that. Ms. Webb said that we are at about 44%.

Mr. Simon asked if we had a budget for Construction, Court and the Parking Utility and whether we could have that for the next meeting in September. Ms. Webb said that could be done.

### **Transco Pipeline Status Report**

Mr. Kiser said that there have been numerous meetings with Transco, the latest being August 6, 2013. He said that he walked the entire length of the line and looked at the trees and noted that Transco would be updating their plan.

Mr. Simon asked what the timeline was going forward. Mr. Schmierer said that decisions need to be made regarding how to proceed by mid-September. Mr. Butler asked if Council could get a written report on the project for review, and Mr. Schmierer said yes. Mayor Lempert said that discussion of the report would be on the agenda for the second meeting in September.

### **RESOLUTIONS**

- a. 13-225 Princeton, NJ Palmer Square USPS New Space Project

Ms. Crumiller offered a motion to approve resolution 13-225 as presented. The motion was seconded by Mr. Liverman and carried unanimously by those present.

- b. 13-226 University Medical Center Of Princeton At Plainsboro, Healthy Child/Well Baby Clinic, \$5,760.  
c. 13-227 2013 Public Health Nurse (Communicable Disease), \$6, 000.  
d. 13-228 Karen Cayci, Esq., Herbert, Van Ness, Cayci, Goodall, Princeton Battlefield Area Preservation Society, et. al. vs. Regional Planning Board of Princeton, \$8,500.  
e. 13-229 Professional Services Agreement, Princeton Senior Resource Center, \$120,892.  
f. 13-230 Professional Services Agreement, IH Engineers, Planning/Zoning Consultants

Ms. Crumiller offered a motion to approve resolutions 13-226 to 13-230 in block as presented. The motion was seconded by Mr. Liverman and carried unanimously by those present.

- g. 13-231 Reappointment of Green Team

Mr. Simon offered a motion to approve resolution 13-231 as amended. The motion was seconded by Ms. Butler and carried unanimously by those present.

(Resolutions appended to this set of minutes)

### **MINUTES**

April 8, 18, 22, 2013

Ms. Butler offered a motion to approve the minutes of April 8, 2013 as amended. Ms. Howard seconded the motion which was carried by four affirmative votes. Mr. Simon abstained and Mr. Miller was absent from this meeting.

Ms. Butler offered a motion to approve the minutes of April 18, 2013 as presented. Ms. Crumiller seconded the motion which was carried by four affirmative votes. Mr. Simon abstained and Mr. Miller was absent from this meeting.

The minutes from April 22, 2013 were tabled until September 9, 2013.

## **ORDINANCE PUBLIC HEARINGS**

### **Bond Ordinance, Sidewalks**

Mayor Lempert read by title an ordinance entitled BOND ORDINANCE AUTHORIZING AS A LOCAL IMPROVEMENT THE REPAIR AND RECONSTRUCTION OF SIDEWALKS ALONG MOORE STREET, PARK PLACE, VAN DEVENTER AVENUE AND WILLOW STREET WITHIN PRINCETON, APPROPRIATING THE SUM OF \$35,100.00 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.

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. Howard and carried unanimously by those present.

### **Bond Ordinance, Sewer Laterals**

Mayor Lempert read by title an ordinance entitled BOND ORDINANCE AUTHORIZING AS A LOCAL IMPROVEMENT SEWER LATERAL REPAIRS BY THE PRINCETON SEWER OPERATING COMMITTEE OF DEFECTIVE SEWER LATERALS INVOLVING PROPERTIES ALONG MOORE STREET, PARK PLACE, VANDEVENTER AVENUE AND WILLOW STREET WITHIN PRINCETON, APPROPRIATING THE SUM OF \$236,400.00 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 A SPECIAL ASSESSMENT OF ONE HUNDRED (100%) PERCENT OF THE COST THEREOF UPON THE BENEFITTED PROPERTY OWNERS

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 unanimously by those present.

**Princeton Police Department, Appropriate Authority**

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.

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

Ms. Howard said that it is best practices and common sense for the administrator to be the appropriate authority, but that she would be open to the Public Safety Committee acting as the appropriate authority. Ms. Crumiller said that she would like to have the ultimate say and that she did not understand the best practices argument.

Ms. Butler said that having Council as the appropriate authority is consistent with our form of government. She said that Mr. Bruschi has six weeks of vacation and that Ms. Monzo has not been on the job long enough for these decisions.

Mr. Liverman said that as a member of the Public Safety Committee he was comfortable with the administrator as the appropriate authority.

Mr. Simon said that he wanted clarity and a written guideline on what a substantive change is so as not to be caught of guard.

Ms. Crumiller said that she did not feel like Council has had an inordinate number of discussions on this ordinance. Ms. Howard said suggested that a conference call be set up with the New Jersey League of Municipalities. Mr. Simon said that the overall impact on Council is that they could not agree.

Ms. Butler offered a motion to amend and introduce the proposed ordinance naming Council as appropriate authority on first reading. Ms. Crumiller seconded the motion, which was carried by three affirmative votes. Ms. Howard and Mr. Liverman voted in the negative and Mr. Miller was absent. The public hearing for the amended ordinance was set for September 9, 2013.

## **ORDINANCE INTRODUCTION**

### **Lease, PCH Development Corp**

Mayor Lempert read by title on first reading a proposed 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.

Mr. Simon offered a motion to approve the proposed ordinance as amended on first reading. Mr. Liverman seconded the motion, which was carried unanimously by those present. The public hearing was set for September 9, 2013.

## **CONSENT AGENDA**

### **a. Bills and Claims**

### **b. Maintenance/Performance Guarantees:**

- Eric Abrams, DMD, Doodlebug Enterprises, LLC, 188 No. Harrison Street – Minor Site Plan w/Variances, Release of performance guaranty contingent upon the receipt of a 2 yr maintenance guarantee agreement
- Mr. Dana Comfort, Executive Vice President, Princeton Shopping Center, Landscape Improvements Bldg B, Administrative Waiver, Release of performance guaranty contingent upon the receipt of a 2 yr maintenance guarantee agreement
- Michael McKay, Vice President of Facilities, Princeton University, Sidewalk Extension Project – Faculty Road/Fitzrandolph Road/South Drive, Administrative Waiver Completion Time Extension to October 31, 2013.

-Paulo Santos, President – S. Brothers, Inc. , 11-03 Reconstruction of Scott Lane and Bainbridge Street, Release of Performance guaranty and acceptance of maintenance guaranty

- c. 13-232 Liquor License Person to Person Transfer, Metro of Princeton, Inc.
- d. 13-233 Request for Fireworks, Jasna Polana, September 7, 2013, 9:30 P.M. to 10:00 P.M.
- e. 13-234 Bid Award, Integrated Construction and Utilities of New Jersey, LLC., Edison, New Jersey, Edgehill Sanitary Sewer Project, \$327,097.45
- f. 13-235 Resolution: Approval of Final Change Order, 11-03 Reconstruction of Scott Lane and Bainbridge Street, S. Brothers, Inc., New Contract Amount \$513,062.61
- g. 13-236 Resolution for Emergency Contract: Guardian Power Cleaning, Farmingdale, New Jersey, Witherspoon Building, Air System Cleaning and Remediation Work, Not to Exceed \$80,000.
- h. 13-237 Resolution: Cancellation of Sewer Taxes for 2013, First Baptist Church of Princeton  
13-238 Resolution: Cancellation of Sewer Taxes for 2013, Princeton Community Housing
- i. 13-239 - Hamilton Township Health Department, Prevention and Containment Services for Sexually Transmitted Diseases, Not to Exceed 1,200.

Mr. Liverman offered a motion to approve consent agenda items “a, b, c, f, i” in block. The motion was seconded by Ms. Howard and carried unanimously by those present.

Mr. Simon offered a motion to approve item “h”. The motion was seconded by Ms. Butler and carried by four affirmative votes. Mr. Liverman abstained.

Ms. Crumiller offered a motion to approve item “d”. The motion was seconded by Ms. Butler and carried unanimously by those present.

Mr. Simon offered a motion to approve item “e” as amended. The motion was seconded by Ms. Butler and carried unanimously by those present.

(Resolutions appended to this set of minutes.)

#### **13-240 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:

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.

The general nature of the subject or subjects to be discussed in said session is as follows:

Personnel: Administrator  
BCC Appointments  
Health Department Director  
Personnel/Negotiations: Salaries  
Negotiations: Princeton University Voluntary Payment

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 11:30 p.m.

Linda S. McDermott  
Municipal Clerk