

PRINCETON COUNCIL MEETING
July 28, 2014

A meeting of the Mayor and Council of Princeton was held on this date at 5:30 p.m., Witherspoon Hall, 400 Witherspoon Street, Princeton, NJ.

NOTICE OF MEETING

The Deputy Clerk noted that all meeting requirements had been met.

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 a written notice. On July 2, 2014 at 10:45 a.m. said notice was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Town Topics, and filed with the Municipal Clerk.

ROLL CALL

The Deputy Clerk then called the roll.

Present: Ms. Crumiller, Mr. Liverman, Mr. Miller, Mr. Simon (5:35pm), Ms. Butler, Ms. Howard (6:10pm) and Mayor Lempert.

Absent: None

Also Present: Mr. Bruschi, Ms. Monzo, Ms. Cecil, Esq.

CLOSED SESSION

A motion to enter into closed session was made by Ms. Crumiller, seconded by Mr. Liverman and carried unanimously by those present.

14-212 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

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:

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Within 90 days or upon settlement of litigation, if applicable

With the administrator search consultants Reagan Burkholder and Greg Fehrenbach, mayor and council reviewed the resumes and applications of 17 applicants for the position of municipal administrator. After discussion, mayor and council authorized Reagan Burkholder and Greg Fehrenbach to reach out to 7 of them, to invite them to interview for the position.

Closed session adjourned at 6:55 p.m.

At 7:00 p.m. Council returned to open session.

Mayor Lempert called for a moment of silence in remembrance of longtime Princeton resident Len Newton who passed away July 19, 2014.

PLEDGE OF ALLEGIANCE

All those present participated in the Pledge of Allegiance.

MINUTES

Ms. Butler offered a motion to approve the minutes of June 16, 2014. Mr. Liverman seconded the motion which was carried unanimously.

COMMENTS FROM THE PUBLIC - Regarding Items Not on the Agenda

Kip Cherry, 24 Dempsey Avenue, spoke on behalf of the Princeton Battlefield Society and noted the recent \$47,000 grant that was received from the National Park Service to complete an archaeological study and the importance of the D'Ambrisi property.

Paul Driscoll, 141 Harris Road read from a prepared statement (attached) concerning the hospital site demolition.

Linda Auerbach, 10 Lytle Street, echoed Mr. Driscoll's comments and in addition stated that she hopes Council will continue to fight and hopes that ultimately we can trust Avalon Bay.

PRESENTATION – State Chiefs of Police – Princeton Police Accreditation Award

Harry Delgado of the New Jersey State Association of Chiefs of Police presented to Chief Sutter and other members of the Police Department in attendance with their Certificate of Accreditation. Mr. Delgado

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said the accreditation process is so rigorous that fewer than 130 departments in the State are accredited. This process is difficult enough for an established police department. For two to merge into one and achieve accreditation in the period of a year is simply remarkable, he said.

Ms. Howard said that the department has been epitomizing the benefits of consolidation and we are so, so proud. Chief Sutter explained that the award was a result of the dedication of every member of the department coming together to reach a common goal. He recognized, Lt. Chris Morgan, who acted as the Accreditation Manager; Sgt. Steven Riccitello, Assistant Accreditation Manager; Lt. Sharon Papp; Lt. Robert Toole; and Lt. Robert Currier.

WORK SESSION – Council On Affordable Housing (COAH) Comments Presentation

Shirley M. Bishop, COAH advisor, said Princeton's comments deal with COAH not adopting similar rules to the second round rules which the Supreme Court directed COAH to do. The comments all reinforce that the 20 percent set aside should be reinstated because there is a need for it and that 10 percent is too low. She said the 10 percent obligation would also negatively impact other towns that have a more dire need for affordable housing, citing Trenton as an example. COAH has also concluded Princeton has a "zero building obligation" for additional affordable housing because it found the town has little space to construct more units, she said. There is a comment involving the 151-unit rehabilitation obligation. The proposition from COAH would involve the revamping of 151 units that are more than 50 years old and lack plumbing or kitchen facilities, including sinks, toilets, stoves or refrigerators. Mr. Liverman said that in Princeton, before anyone told us we had to have affordable housing, we had affordable housing. I think it is embedded in Princeton and the community to continue affordable housing. A 20% set aside, is totally fair he continued. Ms. Crumiller stated that she is proud of our affordable housing program, and questioned Ms. Bishop if Princeton could still require the 20% if the state adopts a 10% set aside. Ms. Bishop responded that remains unclear at this time.

Kate Warren, Affordable Housing Board Member, said she thinks there may be some leeway for a town to require more than 10%, and that they could negotiate for the 20% set aside.

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Marietta Taylor, Representing Not in Our Town, supports Council's commitment to require 20% affordable housing and also said the no state agency should have the power to govern our town. She also asked Council to acquire the two lots on Franklin Street, and develop as affordable housing as well as other areas under consideration for development, such as the Thompson Tract and the sites bordering the Shopping Center.

Linda Auerbach, Lytle Street asked what percentages of Affordable Housing in Princeton are devoted to very low versus low versus moderate income.

Christy Peacock, Affordable Housing Manager, responded that she did not have the figures in front of her concerning the break down for each development, but noted that Princeton Community Housing is very low. Ms. Bishop also commented that approximately 13% of the town's total requirement would be very low.

Kip Cherry, thanked Council for working to keep Princeton diverse and its importance to fight for the 20% requirement.

Gail Everret, Maclean Street, asked if there is a "Princeton preference" for affordable housing. Ms. Bishop responded that the New Jersey Supreme Court has ruled "no preference" could be used.

Ms. Crumiller made a motion to approve the "Comments to the COAH Proposed Substantive Rules", for submitting to COAH by the August 1, 2014 deadline. The motion was seconded by Ms. Butler and carried unanimously.

PARKING ORDINANCE DISCUSSION

Jack West, Princeton Land Use Engineer addressed Council concerning overnight parking regulations in the former Borough and the former Township in an effort to harmonize the ordinances. He gave an overview of the difference between the two and asked Council for guidance on how to proceed.

Ms. Howard questioned the process of harmonizing ordinances over the next five years, saying that Council has to come to some sort of decision on how to move forward.

Ms. Crumiller said she urges Council not to expand free overnight parking but instead to look at the current permit process and figure out how we can address problems in a way to minimize additional cars

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finding new permanent homes. The Master Plan in the Circulation Element, states a concerted effort should be made to reduce the dependency on automobiles, and instead the community should support increased walkability, bikeability and transit, expanding overnight parking will go against this, she said. Ms. Crumiller also said that it has never been our policy to subsidize private vehicle parking, taxpayers should not be asked to fund and maintain new residential parking spots. She said that in her view the least harmful way to address this issue is to keep parking boundaries as they are – she does not support subsidize parking.

Mr. Liverman said that he does not disagree with Ms. Crumiller, but is concerned about senior citizens not having driveways on some of the small streets and being able to continue to park on the street in front of their house.

Ms. Butler said she agrees with Ms. Crumiller, saying free parking stimulates car based development that hurts lower income people in the community, we desire to be a walkable community. Ms. Butler said that this issue has been discussed at Traffic Safety and that it was her sense that police prefer times of non-parking. Mr. West replied that he has spoken with police and public works and that there are issues that would need to be addressed, in example with street cleaning and snow removal.

Mr. Simon said that he is waiting to also hear from the public to form his opinion but did want to note, that under consolidation that we do have the option to maintain our current ordinances. He also said he thinks we should look for harmonization by neighborhood and to strive for consistency. He also stated that one problem is new residents not being aware of the parking regulations and would like to see increased publicity concerning parking regulations and maybe include a formal warning system.

Steve Weiss, 14 Madison Street, addressed Council concerning front yard setback issues, and variances that have been approved allowing residents to park in their front yards.

Leila Shahbender, 47 Maple Street said that she wants parking to stay as it is, with one exception – add a two hour limit on the streets around Nassau Street, as those streets are filled each morning with university students. She also said that it would be nice if residents, who did not have off-street parking did not have to pay to park on the street and also wished that the municipality would paint parking space lines on the street.

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Gail Everett, 13 Maclean Street, said she understands parking is tough, and she agrees with Mr. Simon by saying let's make it fair. She continued that she currently parks in the Maclean Lot, which is poorly designed and that her car was recently hit in the lot. She said she hopes we can come together on a fair solution.

Steve Griffies, 43 Maple Street, said to leave the parking issues the way they are. He said that daytime is more of a problem with university students parking on Maple Street.

Alexi Assmus, 32 Maple Street, said that the "tree" streets are all parked on by 9:00am, and that different regulations are needed for different areas.

Deborah Brooks, 10 Maclean Street, said she agrees with Mr. Simon, that new residents are unaware of the regulations concerning overnight parking. She said she can understand parking issue during the day, but does not understand issues for overnight parking.

With no further public comment, it was the consensus of Council to continue studying this issue. Ms. Crumiller, Ms. Butler and Mr. Miller volunteered to work along with the Engineering Department to research the issues more.

LIMITS ON HOURS OF RETAIL BUSINESS OPERATIONS

Mayor Lempert explained that Council discussed this issue over a month and a half ago. It was the consensus of Council at that time to look into limiting operating hours of businesses that were next to residential zones to possible having a 5-6am opening time and 12-2am closing time.

Mr. Solow, Planning Director, stated they prepared the draft ordinance which regulates the hours of operation for restaurants, retail food establishments, retail sales, and personal service businesses in any residential zone and those within 200 feet of a residential zone. Mr. Solow said that the purpose of the proposed ordinance was to improve quality of life issues for residents in those areas, decrease noise complaints and discourage activities that may compromise public safety. He continued that the draft ordinance defines the categories as discussed at the June work session for pharmacies, medical care, urgent care, and veterinary care practices, and business located in the E-1, E-2, E-3 E-5 and AET zone, with exceptions for liquor license establishments, as they are regulated in another section of the code. Mr. Solow

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agreed that the times discussed back at the June meeting were a 5-6am opening and 12-2am closing, but he also wanted to mention one thing that was not discussed, was the possibility of having different hours for Sunday through Thursday and Friday and Saturday.

Ms. Crumiller questioned 24 hour establishments. Mr. Solow said they did not do an extensive search, but are aware of the WaWa and the Route 206 CVS. He noted that the WaWa and University Store are in the E zone, which would be an exemption.

Ms. Butler noted that the CVS pharmacy is not open 24 hours, only the store is actually open 24 hours.

Ms. Crumiller, questioned establishments currently closing at 2am. Mr. Solow noted that any of those with liquor licenses may stay open until 2am under previous Township and Borough Codes. He also said that not all of those establishment stay open until 2am. Ms. Crumiller asked if we have received complaints. Mr. Solow noted he spoke briefly with Police, and that not a high level of Police complaints have been received. Mr. Solow noted that complaints he has heard are from residents at the planning board level to limit hours. The vast majority of business are closed at 12:00 midnight or by 2:00am, at the latest he said.

Robert Bratman, 259 Nassau Street, the West Coast Video building, said he thinks Ms. Crumiller asked a good question, what are the complaints that have been received? He said he had not heard any. He thinks this may have been triggered with them finding a renter for 259 Nassau Street, proposing to operate 24 hours a day/7days a week. He feels that a business operating 24/7 would provide lighting in the back, 24 hour surveillance cameras with someone in the store monitoring, and we would allow police title 39 rights on the property, so instead of creating crime would reduce crime if there is crime.

Victoria Airgood, Jefferson Road, said that she looked at 28 businesses in Princeton and noted their hours. Naked Pizza and Hoagie Haven are the only two open until 2:00am. All others close quite early. She also mentioned she looked at some other towns and how they handle closing times. She felt there are ways to deal with respecting neighborhoods and businesses. She also said her personal preference for opening/closing times within 200 feet of a residential area would be 11:00pm closing and 6:00am opening.

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John Marshall, Princeton Merchants Association (PMA), stated that they are very concerned about restricting hours of a designated business in a designated business zones. Princeton University has already been exempt with the E zoning exemption, but you need to include those across the street that interact with the University. The Princeton Merchants want to support a vibrant town, we are a world renowned university town. The businesses return millions of tax dollars to the municipality while receiving less services. Supporting and protecting Princeton is a direct investment in enhancing this town, this ordinance does neither, he said. He also said, that the PMA believes Princeton should not be compared to other municipalities to justify this ordinance. The PMA finds this ordinance overly restrictive without need or justification, both presently and preemptively. Mr. Marshall continued that a 200 foot proximity to residential homes is extreme, capricious and arbitrary for a downtown setting, The proposed ordinance discriminates against small businesses -those without means or access to a liquor licenses, especially zones that are adjacent to the University but not in the educational zone. He said the proposed ordinance adversely impacts downtown and compromises the intent and value of longstanding business zones.

Jeffrey Albert, 19 Longview Drive, said that we all want a safe and vibrant Princeton, safest places are round the clock places, places that are active all the time, limits are not germane. He said there are other ordinances already in place to deal with the issues being discussed, noise and conduct. Don't engage in solutions that don't have problems.

Jack Morrison, Resident and Merchant, said a large part of what makes our town attractive is the eclectic mix of institutions, businesses, arts, academic community, families and schools. The idea of restrictive hours is economically dangerous not only to the businesses but the vitality of all neighborhoods. Commercial business pay 25 million dollars annually in real estate taxes. Businesses need to be given every opportunity to succeed, for residents benefit by their success, he said. The idea of restricting the opportunity of businesses restricts the community. He urged Council to take serious consideration on the impact of restrictions on hours of operation and to be careful not to make reactionary decisions that will have long term negative effects.

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Barry Sussman, Peacock Inn, both a hotel and restaurant, stated that as a hotel we do have people checking in at 2 or 3am from a late flight – and to look at hotels in that respect. Princeton restaurants are a great destination, restricting hours of operation hurts the businesses.

Steven Griffies, 43 Maple Street, said he does find the merchant's argument's compelling. The neighbors' concerns are noise with late deliveries and he also said that safety is also a concern for Maple Street residents.

Andrea Stein, 23 Murray Place, said she supports the proposed ordinance which regulates closing at 2:00am., saying it is quality of life issue for residents. Parking areas are noisy at night, keep a balance between businesses and residents she said.

Alexi Assmus, 32 Maple Street, said she support the hours of operation ordinance. She also said that Maple Street has experienced problems late at night, and that they had an issue with someone pounding on their door at 2:00am. They are concerned about all night establishments.

Peter Crowley, President of the Chamber of Commerce and a resident, said issues can happen in other areas not connected to downtown businesses at 2 and 3 am. He also said that the Chamber had been contacted by a number of vendors to get the message out to buy local and support our vendors, protecting and maintaining our local vendors. He said he hopes Council seriously considers the benefits and/or the detractions of this proposed ordinance.

Joanne Hutchinson, Maple Street, said she supports the proposed ordinance. Maple Street does have issues and does not want the potential for danger on the street. She also added that Maple Street already has parking issues and with a 24 hours business at the top of street it will add to the issues.

Leila Shahbender, 47 Maple Street said she too supports the ordinance and echo's her neighbor's comments.

Per Kreipke, 15 Maple Street, also spoke about the parking issues and noise from parking areas and the noise from delivery trucks and is too concerned about a 24 hour business.

Mayor Lempert asked Council if there is an interest in pursuing this matter further. Ms. Crumiller asked if all agree with the 2am closing 5am opening. Mr. Liverman said he agreed, but may need an

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exception for hotels and theaters. Ms. Crumiller asked Council if it is worth doing this, problems that can happen at 1:00am, can happen at 2:00am. Can problems be solved in limiting business deliveries she asked?

Mr. Miller said he thinks our business model works pretty well.

Ms. Bulter asked if this ordinance does anything about deliveries. Ms. Solow said it does not address deliveries directly, but if a store closes at 2:00am they should not be getting a delivery at 2:30am.

Ms. Simon said it might be better dealing with the noise ordinance and limit deliveries. Mr. Simon said he would like some more information concerning: 1. For the specific site of 24 hour business, have there been a history of past problems at that location; 2. Is there any demographic information on Princetonians up between 2am-6am and; 3. If Council does not act at this time, are we restricting our self to consider an ordinance like this in the future? He said he is still of two minds on this issue.

It was the consensus of Council to continue to discuss this matter.

2015 LEAF AND BRUSH SCHEDULE

Mr. Hough, Director of Infrastructure and Operations gave a brief overview of the current leaf and branch collection program. Currently, he said Public Works went through a storm related pickup and again, sections are still putting out brush after they have been through the area. If the proposed ordinance is adopted later tonight, we will probably be giving out violation notices.

Mr. Hough reviewed the proposed 2015 pick-up scheduled with Council and stated that it is similar to 2014. He noted that the entire month of January will be Christmas tree pickup and may possibly add on brush pickup. He noted that February and March are for vehicle and equipment maintenance and that through spring there would be three rounds of brush pickup and one round of leaf pickup. Summer would remain for bag pickup, which he said has been very successful this year. He said brush pickup would again begin in August with two rounds of brush pickup and starting in October two rounds of leaf pickup.

Mr. Hough also said that December would have a full week break right before the holidays, in case we need to do additional pickup in a specific area or do an additional brush pickup.

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Mr. Simon said he likes the idea of the to be scheduled pickup during December, but he is concerned about the gap from late September through March for brush pickup, and said this is a big drop off of service from what the former Borough was used to and he supports the idea of an extra brush pickup during the fall for this year and to be included next year. Mr. Simon noted that picking up brush along with Christmas trees worked well this past January, and is hoping we can do it again for 2015. Mr. Simon encourage Public Works to look at options and present to Council on how to expand leaf and brush pickup. Mr. Hough said that one option that has been discussed is a year round dedicate crew for brush and leaf pick up. Mr. Hough estimated between \$300,000 and \$325,000 in labor costs; 170-180,000 dollars would also be needed to replace a loader; and another compactor is about \$220,000. Mayor Lempert noted different properties have different needs and we need to work to get information out about others options, such as, mulch or compost on your lawn. We realize it may not work for everyone, but large properties may be able to do this, she said.

Mr. Simon said a neighbor joined the organic recycling program to use garden bins for brush pickup. For a small amount of yard waste this could work for some, he said.

Ms. Butler noted that others on the street add to other property owner's piles. Mr. Hough said that they are aware that this is happening and have been trying to track this. Landscapers may be bringing in debris that does not originate from the property.

Mr. Liverman, said that in front of his house, a New Jersey Transit bus took down the branches, and asked what can a homeowner do? Mr. Hough responded that residents should call Public Works and let them know.

Phyllis Teitelbaum, 47 Hawthorne Ave, said that she and her husband have been concerned about this issue for several years. She said brush pickup needs to be treated like garbage pickup. Brush pickup is compacted into a five month period, there needs to be a pickup once a month. We have a very small lot, we have tried composting it does not work and we do not have a vehicle to take them to the eco facility nor do we have a landscaper. She said there needs to be a rethinking with the priority given to leaf and brush pickup.

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Leila Shahbender, Maple Street, said she tends to agree that from the end of September through March is a long time to go without pickup. Her concern is more in the summer from June through August, and that perhaps a pickup in July could be scheduled.

Kate Warren, 17 Jefferson Road, said that for 29 years her brush was picked up every week. She feels this is a loss of service coming from consolidation. She agrees with the previous speaker, she does not have space to store brush and leaves on her property. Brush needs to be scheduled on a monthly basis for the smaller lots in the former Borough.

Stephanie Chorney, Race Street and Princeton Environmental Commission (PEC) Representative, said that Sustainable Princeton and the PEC are working on a "leave the leaves program" to educate residents with larger lots, where they could put them in the woods or around trees.

Mayor Lempert said Sustainable Princeton is working on a list of landscapers and what services they would provide.

Ms. Butler said that there is concern that service has been diminished in the former Borough and that the Central Business District needs more attention.

Kate Warren, 17 Jefferson Road, said she thinks Public Works is understaffed and asked Council if they have considered outsourcing similar to garbage pickup.

Mr. Hough responded that it has been looked at along with year round pickup, but that it is much more expensive.

It was the consensus of Council to return the matter back to the Public Works Committee.

REPORTS – FIRST AID AND RESCUE SQUAD (PFARS)

Mr. Bruschi said that the Memorandum of Understanding has been signed by PFARS and the Engineering Office is preparing the old public works site for demolition and relocating the equipment.

Resolution 14-213 Place to Place Liquor License Transfer, Palmer Square Pizzeria t/a Tereas's, for expansion of premises to include the outdoor seating area.

Ms. Howard moved approval of the resolution, which was seconded by Mr. Liverman and carried unanimously.

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ORDINANCE PUBLIC HEARINGS

Mayor Lempert read by title on second reading and ordinance entitled: **AN ORDINANCE BY PRINCETON CONCERNING THE LEAF, BRANCH AND LOG COLLECTION PROGRAM 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.

Daniel Harris, 28 Doods Lane, read from a prepared letter (copy attached to this set of minutes) expressing his concerns of the Leaf, Branch and Log Collection Program Ordinance. He requested a minor change to the language of section 19.1-6 (e) that "branches and logs may also be disposed of on an owner's property, such as in wooded areas if practicable" be added as it is in Section 19.1-5 (d).

Mr. Simon stated he does not have an issue with the suggested amendment, but he does have a strong reaction to the comments expressed this evening. He said that residents were promised during consolidation that services would not be diminished and former Borough residents do have diminished services.

Mr. Simon moved approval of the amendment. The motion was seconded by Ms. Howard and carried unanimously.

There being no further comment, Mayor Lempert closed the public hearing.

Mr. Miller moved approval of the amended proposed ordinance on second and final reading. The motion was seconded by Mr. Simon and carried unanimously.

Mayor Lempert read by on second reading an ordinance entitled: **2014-28 BOND ORDINANCE BY THE MUNICIPALITY OF PRINCETON AUTHORIZING AS A LOCAL IMPROVEMENT THE RECONSTRUCTION OF SIDEWALKS ALONG EDGEHILL STREET, APPROPRIATING THE SUM OF \$65,000.00 THEREFOR, PROVIDING FOR THE FINANCING OF SAID APPROPRIATION BY THE MAKING OF A DOWN PAYMENT AND ISSUANCE OF BONDS OR NOTES OF SAID MUNICIPALITY AND FURTHER PROVIDING FOR THE SPECIAL ASSESSMENT OF FIFTY (50%) PERCENT OF THE COST THEREOF.**

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Mayor Lempert opened the public hearing.

German Martinez, Princeton Theological Seminary, asked about the blue stone being used instead of concrete. Deanna Stockton, Assistant Engineer, responded that this a historic district and if it had blue stone already, it has to be replaced with blue stone. Mr. Martinez asked about the size of the blue stone and said he noticed that it cracks easily. Ms. Stockton stated that she will look into this and will get back to him.

Ms. Butler asked if they are keeping the brick gutter. Ms. Stockton responded yes.

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

Ms. Crumiller moved approval of the proposed ordinance on second and final reading. The motion was seconded by Mr. Miller and carried unanimously.

ORDINANCE INTRODUCTION

Mayor Lempert read by title on first reading an ordinance entitled: **AN ORDINANCE BY PRINCETON BANNING THE USE OF HYDRAULIC FRACTURING IN THE MUNICIPALITY AND AMENDING AND SUPPLEMENTING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968" IN CONNECTION THEREWITH**

Ms. Crumiller stated the Princeton Environmental Commission (PEC) endorsed this and with the help of Food and Water Watch and Lee Solow, Planning Director, drafted the proposed ordinance. She also said that the Newark basin comes through Princeton and it is conceivable that someone may want to use fracking to get to that. Under our current ordinance someone could apply for a use variation for fracking unless we pass this ordinance.

Ms. Crumiller moved approval of the proposed ordinance on first reading. The motion was seconded by Ms. Butler.

Mr. Miller asked about drilling being done horizontally by neighboring towns.

Lauren Petree, Food and Water Watch, said the importance of this ban would set a precedent in Mercer County. She hopes the rest of Mercer County will follow Princeton and pass a similar ordinance. She also noted support from others who could not be present at tonight's meeting and that they have also collected over three hundred letters from concerned residents in Princeton.

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Mr. Miller questioned again about what Princeton could do if other towns do consider fracking. Trishka Cecil, Esq., said that she could not answer this without looking into it. Mr. Miller stated we need to have other surrounding communities adopt a similar ordinance.

Mary Ellen Marino, thanked Council for doing this.

Mr. Simon asked if we, as a town council, have the authority to ban all natural gas and oil drilling in town or just fracking. Ms. Cecil said she would have to investigate. Mr. Simon said he thinks we are creating a very limited ordinance by just banning hydraulic fracking.

Mr. Solow responded that drilling for gas and oil is covered under our manufacturing or industrial uses and is not permitted. The PEC asked specifically for a ban on hydraulic fracking.

Ms. Crumiller moved introduction of the proposed ordinance, Ms. Butler seconded the motion. Mr. Simon stated he is having trouble with this and that we should be banning drilling. Ms. Cecil stated that we would need a completely different ordinance for tonight to do that.

Mr. Simon asked if manufacturing is legal anywhere in town. Mr. Solow responded no.

Mayor Lempert called for the vote on the proposed ordinance, the motion was carried by five affirmative votes. Mr. Simon voted no. The public hearing was scheduled for September 22, 2014.

10:50pm Mr. Simon left the meeting.

RESOLUTIONS

14-214 Princeton-Fountain Ridge, LLC Occupancy & Use Agreement: Storm Sewer Crossing. Ms. Crumiller moved approval, seconded by Ms. Howard and carried unanimously by those present.

14-215 Always Safe Sidewalks contract for concrete sidewalk cutting services, not to exceed \$22,775.00. Ms. Crumiller moved approval, seconded by Mr. Miller and carried unanimously by those present.

14-216 Yannuzzi Wreaking & Recycling Corp., to demolish and remove the structure located at 59 Meadowbrook Road, not to exceed \$35,900.00. Ms. Howard moved approval, seconded by Ms. Crumiller and carried unanimously by those present. (Mayor Lempert recuses herself)

14-217 Professional Services Agreement for Maser Consulting for Traffic Study at Route 206 and Valley Road, not to exceed \$36,200.00. Mr. Miller moved approval, seconded by Ms. Crumiller and carried unanimously by those present.

ORDINANCE PUBLIC HEARING

Mayor Lempert read by title on second reading an ordinance entitled: **AN ORDINANCE**

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CREATING NO PARKING ZONES ON A PORTION OF ALEXANDER STREET AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968.

Mayor Lempert opened the public hearing. There being no comment, the public hearing was closed. Ms. Crumiller moved approval of the proposed ordinance on second reading. The motion was seconded by Ms. Butler and carried unanimously by those present.

ORDINANCE INTRODUCTION

Mayor Lempert read by title an ordinance entitled: **ORDINANCE # 2014- OF THE MAYOR AND COUNCIL OF PRINCETON CONCERNING SALARIES AND COMPENSATION OF CERTAIN PERSONNEL OF THE MUNICIPALITY OF PRINCETON.**

Mr. Bruschi stated that this ordinance sets the ranges for salaries and has been reviewed by the personnel committee. Overall the ordinance sets an increase at 1.6% percent for staff. At the next meeting council could adopt a resolution which will set the actually salaries. Mr. Bruschi stated that this ordinance does not include salaries for Council.

Ms. Butler questioned why the Administrator and Chief are not listed under the class one category, Mr. Bruschi said that the Chief does not have a range as it is a set salary and the Administrator's salary was done by a contract.

Mr. Miller moved approval of the proposed ordinance. Mr. Liverman seconded the motion which was carried unanimously by those present. The public hearing was scheduled for August 25, 2014.

CONSENT AGENDA

Mr. Liverman moved approval of the consent agenda as presented.

a. Bills and Claims

b. Maintenance/Performance Guarantees

- Princeton University, Sidewalk Extensions Project, Faculty Road/Fitzrandolph Road/South Drive(Administrative Waiver), Completion Time Extension to August 31, 2014.
- Greenview Avenue Properties, Major Site Plan and Lot consolidation, Release of the performance guarantee contingent receipt of acceptable maintenance guarantee.
- Westerly Road Church, Completion Time Extension to November 6, 2014.

c. 14-218 Fire Department Membership, Kevin Quinn
14-219 Fire Department Membership, Marco Dracopoli

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14-220 Fire Department Membership, Daniel Choi

- d. Banner Requests:
- 14-221 Big Brothers Big Sisters, to hang a banner over Washington Road announcing Run for One, from October 20, 2014 to October 27, 2014.
 - 14-222 Princeton University Concerts, to hang a banner over Washington Road announcing the fall Meet the Music program, from November 3, 2014 to November 10, 2014.
 - 14-223 Princeton Triangle Club, to hang a banner over Washington Road announcing their show, November 10, 2014 to November 17, 2014.
- e. 14-224 Resolution Authorizing a Sewer Refund for Block 202, Lot 11 for the years 2010-2014
- g. 14-225 Down Payment Assistance Loan, Not to Exceed \$5,000.00

Ms. Howard seconded the motion which was carried unanimously by those present.

CLOSED SESSION

A motion to enter into closed session was made by Mr. Miller, seconded by Ms. Butler and carried unanimously by those present.

14-226 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

- Police Litigation Update
 - Avalon Bay Update
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

July 28, 2014

The Administrator and Attorney were present with the Mayor and Council to discuss the above items.

There being no further business the meeting was adjourned at 12:00 midnight.

Kathleen Brzezynski, Deputy Clerk

Paul Driscoll, Harris Road

Hospital demolition

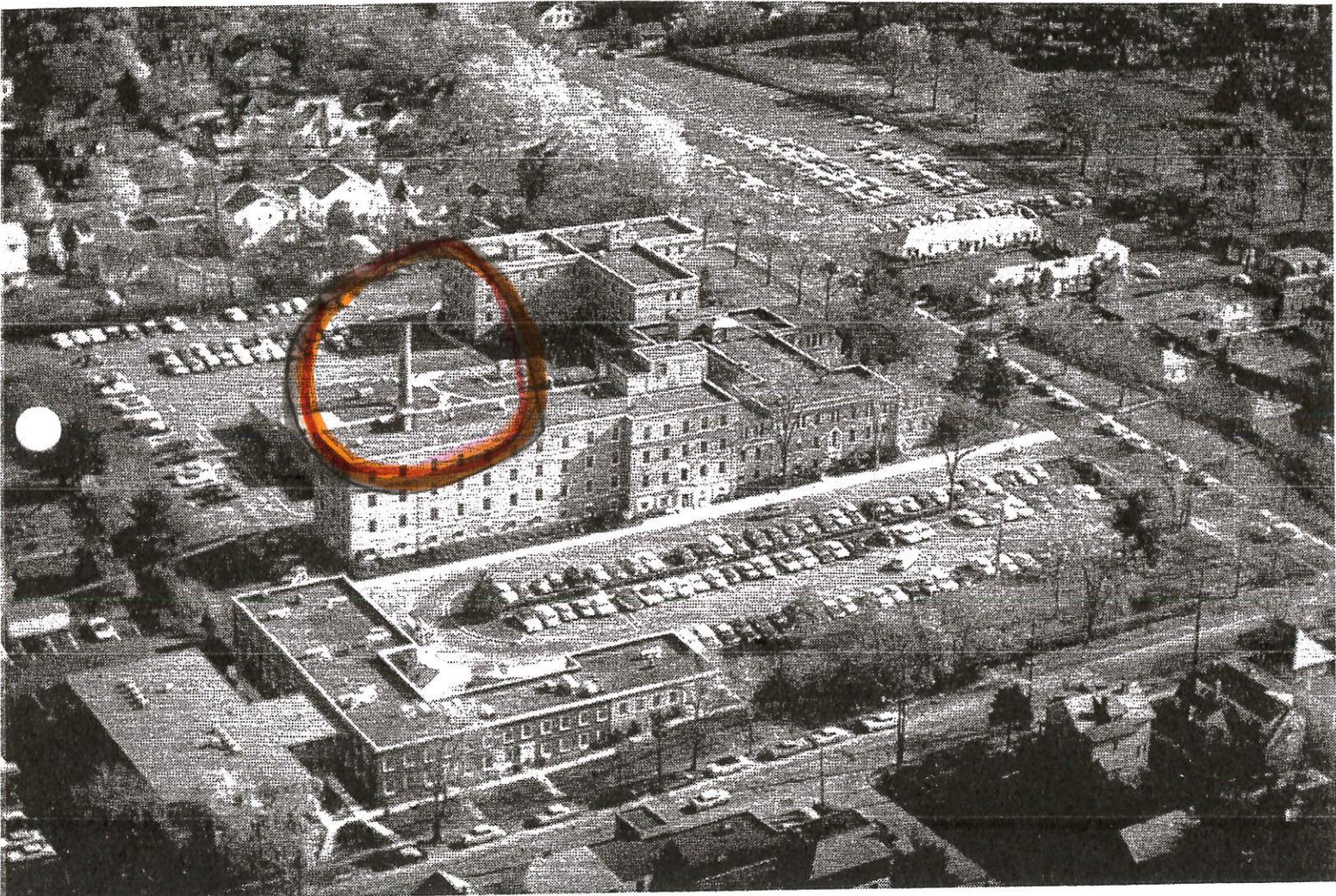
In reference to the court case concerning the demolition of the former hospital site, I congratulate Council on taking the right steps, although very belatedly, in hiring Ira Whitman as an Expert Independent Consultant and Neil Yoskin as Environmental Attorney. I also congratulate you on the ruling made in Trenton last week denying AvalonBay's application for a preliminary injunction.

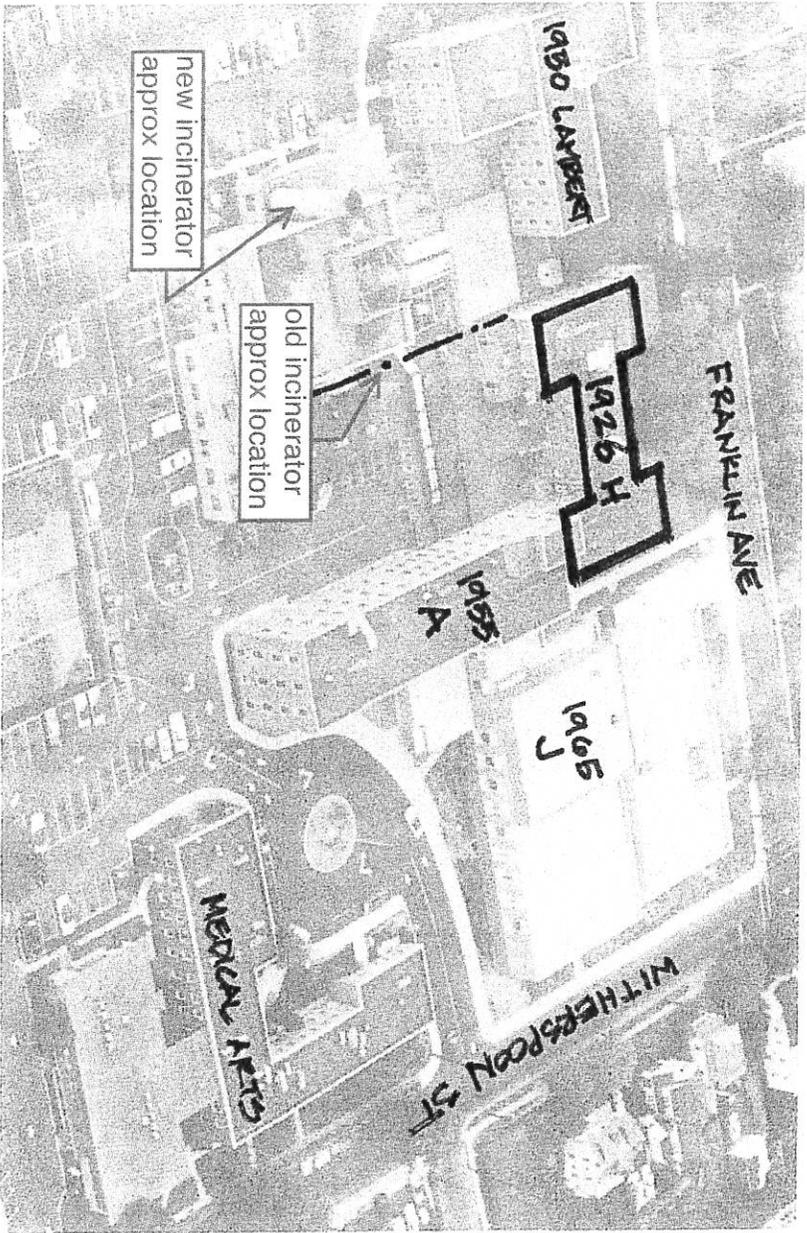
As this case continues, we who live in the Witherspoon Street neighborhood, are still extremely concerned about the need to perform all of the testing which Ira Whitman has suggested. We must not forget that in March, AvalonBay's Vice President stated in letter that the company agreed to comply with Whitman's original recommendations. Later, they reversed themselves and agreed only to comply with DEP standards, nothing more. Such a turnabout seems extremely disingenuous. One would think that a company of AvalonBay's stature would want to perform additional testing to show good faith, that they care about the health and safety of citizens as well as residents who will live in the future complex. *Have you wondered what the costs would be to do the testing versus what they pay in attorney fees to avoid testing?*

Attached are some arial views of the former Medical Center at Princeton, showing an incinerator stack and diagrams, from which we can conclude that there was at least one or probably two incinerators on site, which nearby residents have put up with for decades. One photo showing the site in 1963 is from a book describing the history of the former Medical Center of Princeton. It is located in the reference section of the current library and is available to anyone with a library pass. Under these circumstances, what prevented the responsible parties from presenting this information at the time plans for the 280 unit complex was being reviewed by the Planning Board?

These are among the issues which the neighbors of the hospital as well as contributors to the Association for Planning at the hospital site are requesting that you continue to address. We trust that you will not waiver *most likely* in this endeavor and you have our full support.

*1st incinerator 1948-1963
2nd incinerator 1963-1993*

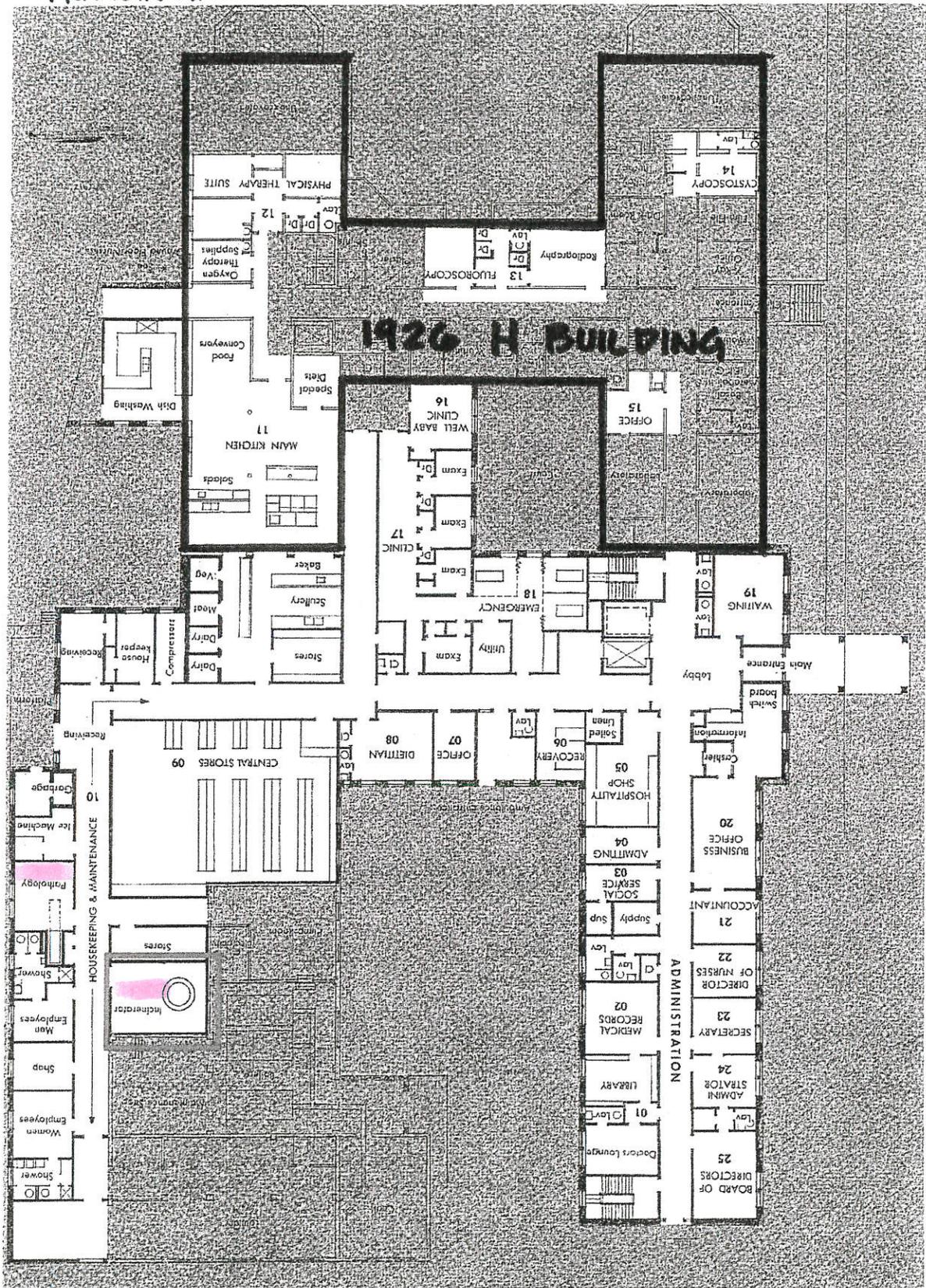




Aerial view of Princeton Hospital in 1968, showing the original H-shaped 1926 building, top center, the 1965 J Building, upper right, the 1950 Lambert House, upper left, the 1955 A Building, center, and the Medical Arts Building, lower right, completed in 1953, with the addition built in 1962.

FRANLIN AVE

1948 Floor Plan





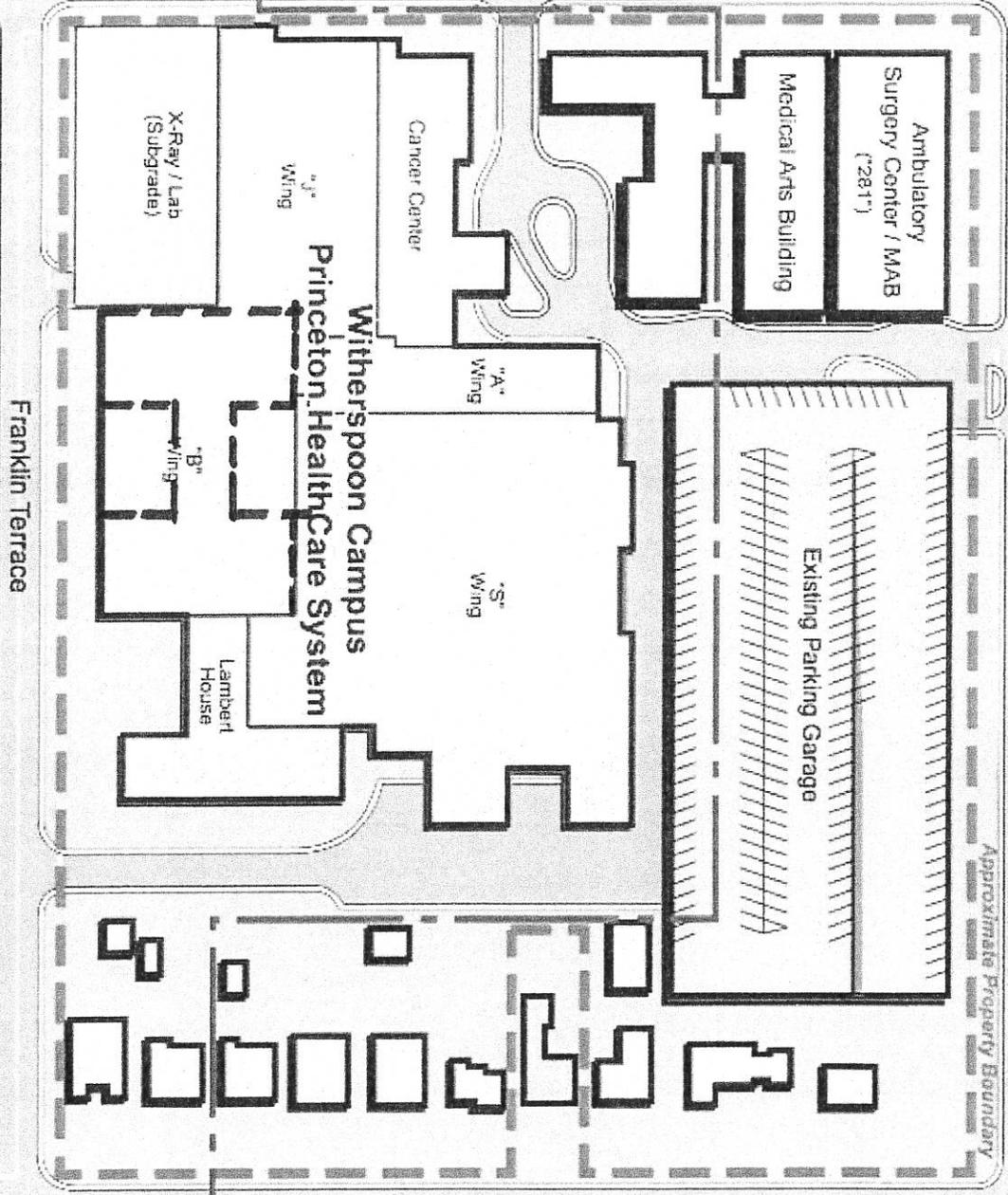
Clay St.

Princeton Township
Princeton Borough

Leigh Ave.

Birch Ave.

Witherspoon Street



Franklin Terrace

Henry Avenue

Approximate Property Boundary

Harris Road

Princeton Township
Princeton Borough

I recognize that this proposed consolidated Leaf, Branch, and Log Ordinance is preliminary to a fuller revision to be presented in 2015. Nevertheless, I want to propose a minor change to the present revision.

The last sentence of section 19.1-5 (d) reads: "Leaves may also be disposed of on an owner's property, such as in wooded areas if practicable." That same sentence, made applicable to branches and logs, should be repeated in section 19.1-6 (e), which is otherwise identical.

If you make this change, then the newly included sentence can be used immediately as part of our education campaign to get citizens to support a responsible Leaf, Branch, and Log Ordinance that requires property owners to become accountable for financial and scheduling responsibility over what happens on their properties, wherever feasible. If you make this change, concerned citizens can use this new text, now, to write letters to the editors, with the new text as foundation and precedent. You will help strengthen Princeton's finances.

Homeowners and owners of rental units must be encouraged now, and soon required, to dispose of logs and branches in the same manner as leaves. Logs and branches are biodegradable material; they too become compost and, in time, soil. In the meantime, they contribute to a healthy habitat: homes for beetles, ants, fungus, spiders, ground-nesting birds.

On-site recycling—where feasible—constitutes a fundamental economic benefit to Princeton municipality. We all recognize the link between climate change and local taxes. Trees and branches that fall on power lines during storms must be professionally managed; they are a threat to public safety. But if the downed wood is on MY property, OR if that wood originates on my property, AND if I have sufficient acreage, the removal of that wood should be my responsibility. I see no reason why I, as a taxpayer, have any legal right to burden the municipality (that is, my equally taxpaying neighbors), with MY negligence if I do not recycle MY downed wood on MY property. The cost is mine, like it or not; I bought the house with trees on it. The analogy with sewer lines is instructive: legally, each homeowner is financially responsible for his or her sewer lines running out to the street. We are also legally responsible for snow on our own sidewalks. I object to paying municipal taxes for a leaf/branch/log cleanup service that I do not use.

I urge Princeton Council to use this revised Leaf, Branch, and Log ordinance to encourage all our citizens to recycle organic materials on their own properties to the maximum extent possible, starting now. Not all properties are large enough to accommodate such recycling—but some, indeed many, are. Any future Leaf, Branch, and Log ordinance must make appropriate legal discriminations acceptable to all citizens. [See Note below.]

Climate change prompts us to consider local economics. Two weeks ago we witnessed an emergency municipal cleanup in response to an unexpected storm. In the winter, every severe ice storm that downs wood over public streets and power lines requires professional management—PSE&G and municipal intervention—that is, taxpayer intervention. Leaf and log collections costs the combined municipality not less than 1M per year. Those costs can be reduced when residents, properly educated, assume their appropriate responsibilities as landowners and citizens. Normal clean-ups must be at the property owner's expense, wherever possible.

Please make the minor emendation I propose. It is not a substantive change that would require the reworking of the entire ordinance. Thank you.

Note.

With reference to a future Leaf, Branch, and Log Ordinance, there are at least three categories of taxpayers.

1) Property owners whose lot-size or other constraining features makes onsite recycling and composting impossible;

2) Property owners whose lot-size permits onsite recycling/ composting and who already take care of their own arboreal debris;

3) Property owners whose lot-size permits onsite recycling/composting but who do not yet take responsibility of their own downed leaves and wood. This category receives services from the municipality for which people in category (2) unfairly bear some of the cost.