

PRINCETON COUNCIL MEETING
December 8, 2014

A meeting of the Mayor and Council was held on this date at 6:00 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 2014 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, Crumiller, Howard and Messers Liverman, Simon and Mayor Lempert.

Absent: Mr. Miller.

Also Present: Mr. Dashield, Mr. Kiser, Ms. Cecil and Chief Sutter.

PLEDGE OF ALLEGIANCE

The audience participated in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Liverman offered a motion to approve the closed session minutes of September 15, 2014 as presented. Ms. Crumiller seconded the motion which was carried unanimously by those present.

Mr. Liverman offered a motion to approve the minutes of October 13, 2014 as presented. Ms. Crumiller seconded the motion which was carried unanimously by those present.

PROCLAMATIONS

Mayor Lempert read proclamations declaring Communities of Light 2014, and The Drive Sober or Get Pulled Over Initiative.

EMPLOYEE SERVICE AWARDS

The Mayor and Council presented the following service awards for 2014:

2014 Township Employee Awards

5 Year Awards**Attending**

Shad Abdul-Karim
Axel Soto

Police
Road Repair

Not Attending

Neil Hunter

Police Dispatch

10 Years**Attending**

George Cumberbatch
Jon Hughes
Richard G. McKee
Anastasia Ryan
Edvin Recinos

Parking Meter Maintenance
SOC
Road Repair
Recreation
Parking Meter Maintenance

Not Attending

Cory Bishara
Jeffrey Hughes
Kathryn W. Monzo
Nelson Morel

SOC
SOC
Administration
Road Repair

15 Years**Attending**

Jonathan Bucchere
Janet Pellichero

Police
Recycling Coordinator

Not Attending

Odania Blanco
Robert Bruschi
Edward R. Hujber
Maria O'Connell
John Luck

Court
Administration, Retired
Road Repair
Police
Police Dispatch

20 Years**Attending**

Larry Churchwell
Ilene Cutroneo

Vehicle Maintenance
Planning

James Martinez
Jorge Narvaez
Kerry Philip
Lee Solow
Christopher Torres

Police
Police
Planning
Planning
Road Repair

25 Years**Attending**

Diane Laszczyk

Police

Christine Lewandowski

Historic Preservation, Retired

Not Attending

Mehta Mukul

Parking Meer Maintenance

30 Years

Attending

Clifford Harmon

William Urian

Shade Tree

Road Repair

REPORTS

Ms. Howard said that it was a time of reflection around the country, and with heavy hearts given what is happening around the country.

Ms. Butler said that the Mercer County Freeholders approved funding for Mary Moss Park.

Mayor Lempert said that she recently attended a Lytle Street parking meeting.

Mayor Lempert also noted that she be holding Meet the Mayor hours this coming Friday in the lobby of the Princeton Public Library.

Mr. Dashield commended Chief Sutter and the Princeton Police Department for the work that they do and especially noting a situation with 300 protestors on Mercer Street recently.

Mr. Kiser said that the Engineering Department has been meeting with Avalon Bay on a regular basis.

ORDINANCE PUBLIC HEARINGS

Regulations Relating to Historic Preservation

Mayor Lempert read by title an ordinance entitled An Ordinance Setting Forth Regulations Relating to Historic Preservation and Amending the “Code of the Township of Princeton, New Jersey, 1968.”

Mayor Lempert opened the public hearing.

Christine Lewandoski, former Historic Preservation Officer supported adoption of the proposed ordinance and encouraged Council to do the same. She said that it was the right thing to do and that certification makes the town eligible for more grant money.

Julie Capozzoli, Chair to the Historic Preservation Commission echoed Ms. Lewandoski's comments.

Kip Cherry said that she was pleased with the changes, however there were issues with historic sites and the need for additional language. She said that the Historic Preservation Commission came up with a comprehensive list of historic sites in Princeton by address.

Shirley Satterfield said that there is a responsibility to note historic sites.

Gary Muller asked for definition of historic site and a preparation of a comprehensive list.

Lee Solow said that it would be cleaner if the list were added to the Master Plan.

Mr. Simon asked if the question was to extend power directly or through the Master Plan.

Mr. Solow said that there is a little bit of a higher standard, which it should be through the Master Plan by holding public hearings. Ms. Butler said that there was validity in keeping it in the Master Plan.

Jim Floyd, 64 Harris Road asked if there could be more discussion on the proposed ordinance and continue the public hearing.

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

Ms. Crumiller offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Mr. Liverman and carried unanimously by those present.

Hours of Operation

Mayor Lempert read by title an ordinance entitled An Ordinance by Princeton Regulating the Hours of Operation of Restaurants, Retail Food Establishments, Retail Sales, and Personal Services Businesses on Properties Within or Abutting a Residential Zone

Mayor Lempert opened the public hearing.

Jim Floyd, Harris Road noted that the Zoning Board can grant variance for off street parking. He said that we have to look at if this practice can continue

Gail Ullman, 12 Maple Street asked that Council use caution when proceeding with the ordinance as it is based on fear rather than reason.

Marty Schneiderman, 47 Murray Place said that the first draft has been modified and the revisions are not trivial. He said that we have a special and vibrant town and compromise is significant. He felt that the ordinance is reasonable and urged Council to move ahead.

Isabel Kenten, 47 Maple Street, said that the proposed ordinance has the support of many neighbors and the proposed ordinance would benefit our town.

Wendy Ludlum, South Harrison Street said that this was a good compromise.

Robert Bratman, 259 Nassau Street, West Coast Video, said that they pay \$1 million in taxes and noted that if Council were to pass this ordinance he could lose a potential tenant (7-11). He noted that a 24 hour Wawa used to occupy 259 Nassau Street. He asked that Council show leadership by not adopting the ordinance.

Alexi Assmus, 32 Maple Street said that the zoning had changed at the request of the neighbors.

Abby Reynolds said that she had bought her parent's house and has a long standing interest in the proposed ordinance. She said that she thought that the proposed ordinance was very reasonable and supports it and the reflected compromise.

Leila Shabender said that she was not convinced that 7-11 should be near a residential neighborhood, that it would change the quality of the neighborhood. She said that she supported the proposed ordinance.

Andrea Stein, 23 Murray Place urged Council to vote in favor of the proposed ordinance.

Lou Carnevale said that he opposed the proposed ordinance, asking why we are looking for more problems.

Rob Dodge, 32 Maple Street spoke in favor of the ordinance, asserting that we needed the ordinance because the police department is understaffed and suggested that in doing so we can make a dent in the problems that we do have.

John Marshall, President, Princeton Merchants Association asked that Council consider exempting the Clifftown Shopping Center, the Princeton Shopping Center and the central business district, and said that the Merchants Association disagrees with the method of implementation. We ask that you do not pass the proposed ordinance.

Joe Small said that this is an imaginary problem and that Council has yet to deal with the real problem. He said that the proposed ordinance favors the Wawa over 7-11, and favors the University as a landlord over Mr. Braton. He said that you want to be hostile to new businesses who want to come into Princeton, the proposed ordinance favors the University over commercial interests, it favors the University as a landlord collecting rent and it invites a lawsuit by Mr. Bratton.

Shirley Satterfield, 30 Quarry Street said that when she was growing up, there were no stores that were open past 9:00 p.m., they closed by 6:00 p.m. Princeton even had blue laws on Sunday. Please respect the residents that would like to live quietly. She asked why there can't be a park there instead.

Steven Schultz said that he did not think that he got a bargain when he bought his house and that he was in favor of the ordinance. It will put some nice boundaries around what could happen in the future.

Adrienne Kreipke, Maple Street said that she supported the proposed ordinance and comments made by Gail Ullman and shares her concerns. She said that she was surprised that we needed the ordinance. I don't think that a business should be operating all night long.

Adam Finklestein, 18 Aiken Avenue said that he agreed with many of the point taken this evening and said that he was in favor of the proposed ordinance. Noise will become detrimental to the peace and quiet that we enjoy.

Jeanette Hovan, 32 Witherspoon Lane said that she was in favor of the proposed ordinance. We are a fragile neighborhood and does experience crime.

Mayor Lempert asked if it would be the consensus of Council to hold over the public hearing until the Council meeting of December 15, 2015.

Mr. Liverman said that he would not object to that at all and thanked everyone for coming to tonight's meeting. I'm the only one on Council that lives within 50' of a commercial location (Conte's Pizza) and we've always respected each other. I don't think that this will impede on Mr. Bratman's livelihood.

Mr. Simon said that he had significant concerns about the ordinance as proposed and would like to limit the damage. He asked the other members of council whether there was any support for making exemptions for the CBD, the shopping center, and Clifftown, as requested by John Marshall.

Mr. Solow said that the Zoning Code is the Land Use Code and limits the types of uses. He expressed concern regarding the additional exemptions proposed. The exemptions in the ordinance as proposed were primarily for educational uses. He said that a lot of the businesses in the central business district are not impacted by the proposed ordinance as they do not abut a residential zone.

Ms. Howard said that she was comfortable supporting the proposed ordinance as written.

Ms. Butler said that she took great umbrage to the comments that Council did not listen to neighbors. We sat through hours and hours of meetings on East Nassau on the streetscape. I have great frustration when we have a business that provides a lively streetscape with lights on with products that people use. We talk about the argument to shop local and East Nassau is a lot closer for University students than the Wawa. This will increase the value of residential properties and be reflected in taxes.

Mayor Lempert said the proposed ordinance allows a lot of 24/7 businesses throughout town but limits where they can be, not abutting a residential zone.

Mr. Simon said that the only issue unambiguously addressed by the proposed ordinance is the issue of light pollution at night. It is not clear how the other issues raised by residents would be helped by limiting the hours of businesses, and this concerns him. He felt that the ordinance will simply placate people and this is dissatisfying. In theory there was a lot of reasonability built into this ordinance. However, considering what people are really complaining about, we're not taking an effective action. He expressed a willingness to consider a compromise.

It was the consensus of Council to extend the public hearing to the meeting of December 15, 2015.

PUBLIC HEARING -ASSESSMENT CONFIRMATION

14-358 Westerly Road Curbing Assessment Confirmation

Mayor Lempert opened the public hearing on the Westerly Road Curbing Assessment Confirmation.

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

Mr. Liverman offered a motion to approve resolution 14-358 as presented. The motion was seconded by Ms. Howard and carried unanimously by those present.

(Resolutions appended to this set of minutes.)

RESOLUTIONS

1. 14-359 Bid Award for Improvements to Hamilton Avenue, Prospect Avenue and Poe

Road to S. Brothers General Contractors, South River, NJ in the Amount of \$840,965.08

Dr. De Martino, a resident of Poe Road, asked that the sidewalk be added to only one side of the street on Poe Road, as a cost saving measure.

Mr. Simon offered a motion to approve resolution 14-359 as presented. The motion was seconded by Mr. Liverman. (Mr. Liverman stepped away from the meeting). The motion was carried unanimously by those present.

2. 14-360 Resolution Princeton Palmer Square Limited Partnership II: Ground Lease Estoppel Certificate

Ms. Butler offered a motion to approve resolution 14-360 as presented. The motion was seconded by Ms. Howard and carried unanimously by those present.

3. 14-361 Resolution Updated Salary Adjustments

Ms. Crumiller offered a motion to approve resolution 14-361 as presented. The motion was seconded by Ms. Howard and carried unanimously by those present.

Mr. Liverman returned to the meeting.

4. 14-362 Professional Services Agreement with Maser Consulting P.A., Not to Exceed \$5,000.00 for the Review of the Route 27 (Nassau Street)/Washington Road/Vandeventer Avenue NJDOT Traffic Signal Design

Ms. Butler offered a motion to approve resolution 14-362 as presented. The motion was seconded by Ms. Crumiller and carried unanimously by those present.

(Resolutions appended to this set of minutes.)

CONSENT AGENDA

1. Bills and Claims
2. Princeton University, Hibben and Magie Graduate Housing, Completion Time Extension to June 30, 2015
3. John & Leigh, LLC, 41 Leigh Avenue, Release of Maintenance Guarantee Along with Any Remaining Escrows.
4. Princeton University, Sidewalk Extension Project, Faculty Road/Fitzrandolph Road/South Drive (Administrative Waiver) Completion Time Extension to January 31, 2015.
5. Roycefield Real Estate LLC, 343 Snowden Lane, Minor Subdivision, Completion Time Extension to April 1, 2015.
6. 14-363Resolution Energy Working Group
7. 14-364Resolution Residency Waiver Marc Dashield
8. 14-365Resolution Property Tax Abatement, 14 Clearview Avenue
9. 14-366Resolution Budget Transfers
10. 14-367Resolution Refund Overpayment of Taxes, 19 Greenhouse Drive, \$10,541.85
11. 14-368Resolution Refund Overpayment of Taxes, 210 Mountain Avenue, \$3,252.
12. 14-369Resolution, Member Participation in Cooperative Pricing System

13. 14-370 Request by Blue Point Grill to Hang Banner Over Washington Road Announcing Oyster Bowl, January 26 -February 2, 2015

14. 14-371 Request by Community Options to Hang a Banner Over Washington Road Announcing 2015 Cupids Chase, February 2 -9, 2015

15. 14-372 Request by the Princeton Symphony Orchestra to Hang a Banner Over Washington Road Announcing BRAVO! Concert, May 11-18, 2015.

Mr. Simon offered a motion to approve consent agenda items “1-15” in block. The motion was seconded by Ms. Butler which was carried unanimously by those present.

(Resolutions appended to this set of minutes.)

CLOSED SESSION

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

14-373 CLOSED SESSION RESOLUTION: Negotiations

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:

Open Space Acquisition
Affordable Housing Property Acquisition
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 issues were discussed by the Princeton Council.

There being no further business the meeting was adjourned at 11:00 p.m.

Linda S. McDermott
Municipal Clerk