

**PRINCETON COUNCIL MEETING**  
**December 15, 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 a written notice. On December 9, 2014 at 2:20 p.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Torontonionian, 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, Simon and Mayor Lempert.

Absent: None.

Also Present: Mr. Dashield, Mr. Kiser, and Ms. Britton.

**PLEDGE OF ALLEGIANCE**

The audience participated in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Mr. Liverman offered a motion to approve the minutes of October 27, 2014 as amended. Mr. Simon seconded the motion which was carried unanimously by those present.

Mr. Miller offered a motion to approve the minutes of December 1, 2014 as presented. Mr. Liverman seconded the motion which was carried unanimously by those present.

**COMMENTS FROM THE PUBLIC**

Steve Hiltner, 139 North Harrison Street discussed with Council a proposal for cost effective collection of leaves, yard waste and brush. He said that it is extremely wasteful the way collection is currently being handled and asked that Council consider his proposal, which was done in conjunction with Daniel Harris, Grace Sinden, Bairy Suri and Pam Machold.

Mr. Hiltner said that the goals of the proposal are to dramatically reduce cost, improve street safety, provide adequate service to residents, more utilization of leaves/yard waste onsite in people's

yards, improved streetscape appearance, reduced water pollution, improved adherence to state regulations and less strain on the public works department.

Mayor Lempert thanked Mr. Hiltner for his research.

(Proposal appended to this set of minutes)

Areta Pawlinski, discussed with Council the Avalon Bay project and expressed concern about the current demolition. She said that there are lead based paint particles the size of one's hand. She said that the mural painted by children is not protecting children and that she has called twice about the noise. Mr. Kiser said that Engineering has responded to the noise concerns.

## **REPORTS**

Mr. Miller reported that he and Mr. Simon reviewed the contract with Princeton Community Television and are recommending funding.

(Status report appended to this set of minutes)

Ms. Butler said that there has been a meeting of the Mary Moss subgroup.

## **DISCUSSIONS**

### **Open Public Records Act Training, Victoria Britton, Esq.**

Ms. Britton provided Council with a general overview of the Open Public Records Act (OPRA) and steps required in responding to requests.

### **2015 Meeting Schedule**

Council reviewed the proposed meeting 2015 calendar. It was the consensus of Council to approve to calendar and put the resolution on the agenda for Reorganization.

### **Council Liaisons to Boards, Commissions and Committees**

Council discussed the role of Council liaison and reviewed a list of Council liaisons to boards, committee and commissions. Council also discussed the role of potential auxiliary members with Ms. Howard offering her support.

## **CONSENT AGENDA**

### **Bills and Claims**

Mr. Simon offered a motion to approve the consent agenda as presented. The motion was seconded by Mr. Liverman which was carried unanimously by those present.

## **ORDINANCE PUBLIC HEARING**

### **Hours of Operation Ordinance**

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.

Daniel Harris, Dodds Lane, said that he was troubled by the opposition of the Princeton Merchants Association of the proposed ordinance. He said that Princeton is a town and not a municipality and people that can afford to live here enjoy the feeling of a small town and that includes the freedom from noise and litter pollution.

Kip Cherry, 24 Dempsey Avenue said that we all want the Merchants to prosper, but wonder why some are blighted.

Chip Kreider, Bank Street said that we need more planning and less politics. He said that we are talking about approximately 10 households and asked that Council be practical when considering the proposed ordinance as it is over the top.

Lou Carnevale said that he opposed the proposed ordinance.

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

Mr. Miller said that he was generally in favor of the ordinance but expressed concern that it could lead the community into uncharted waters. He said that there is always the possibility of unintended consequences.

Mr. Miller proposed an amendment to monitor the effectiveness of the ordinance over a three year period upon which there ordinance would expire. A task force would be established to evaluate how it affects quality of life, economic development and the overall community if at all.

Ms. Howard said that she liked this idea of monitoring the impact of the ordinance.

Ms. Butler said that she is trying to see how this would be helpful as we do not really know what the problems are that we are addressing. She said that she appreciated the work that Mr. Miller did and supported his amendment.

Mr. Simon offered a motion to approve the proposed ordinance on second reading as amended. The motion was seconded by Ms. Crumiller and carried unanimously.

**CLOSED SESSION**

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

**14-374 Resolution Closed Session: PERSONNEL, VOLUNTEER APPOINTMENTS**

**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, VOLUNTEER APPOINTMENTS**

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 10:45 p.m.

Linda S. McDermott  
Municipal Clerk

Daniel A. Harris

Remarks to PC, 12/14/14: Hours-of-Operation Ordinance

I am troubled by the opposition of the Princeton Merchants Association to the present draft ordinance, which offers merchants 21 hours of opening time per day plus significant additional opportunities for sales.

The people who support the present ordinance, which has gone through many discussions and refinements, have agreed to the elimination of the 200-foot buffer zone between residences and commercial uses, and have accepted a compromise which restricts commercial/residential uses that ABUT residential areas. This compromise position, nearly sacrificial in nature, seems more than what a municipal government for Princeton's size should ask of any of its citizens.

Citizens need freedom from noise and from light-pollution. Princeton University students also need both sleep and time to do their homework. Who goes shopping between 2 a.m. and 5 a.m.? Why is this hiatus from commercial activity so objectionable to some of the merchants?

It is important for Princeton Council to keep in mind that Princeton is a town and not a city, and that residents (people who can afford to live here) value the qualities of a municipality that preserves its historic "small-town feel." Freedom from noise and light-pollution, as well as protections from crime.

Have the merchants who wish a commercial metropolis that is open 24/7 compared Princeton with other college or university towns? Have they presented evidence that other such towns are indeed open for business 24/7? If so, has Princeton Council seen the evidence of such research? And if not, why have the merchants seen fit to conduct such research in support of their position?

Any municipal council that reaches its conclusions in the absence of evidence or research presented by any particular body is one that operates in ignorance. Not that Princeton Council should decide in favor of position X *because* other municipalities also do X, but so that Council can decide *whether* it wants to be LIKE MUNICIPALITY SUCH AND SUCH.

Does Princeton wish to be like Teaneck (pop. 39,776), home to Fairleigh Dickinson University? Or State College, PA (pop. 41,757), home to Penn State? Or Morgantown, West VA (pop. 29,660), home to West Virginia State? Or Morristown, NJ (pop. 18,529), home to Drew University? Or Glassboro, NJ (pop. 18,570), home to Rowan University? Etcetera. If the merchants are asking for 24/7 so that they can draw on business from Princeton University students, then the merchants should show, on the basis of the university population (and comparable populations in other university towns), what proportion of students they expect to be shopping between 2 am and 5 am. Those numbers should of course be tested. Princeton Council could then decide on the merits of that particular aspect of the merchants' argument. I will add only that the potential buying power of any of the university populations whose home towns I have mentioned is way, way beyond that of Princeton University's student population (with the sole exception of Morristown and Drew University).

I truly hope and trust that Princeton Council will again vote in favor of an ordinance that mandates the closing of businesses between 2am and 5am, with important protections written into the ordinance, for the health of people as well as their pets.

Thank you.

**To: Mayor and Council**

**Subject: Status of the Contract Between the Municipality and PCTV and a Recommendation for the Disposition of the Funds From COMCAST and Verizon**

**By action of Council earlier this year, Patrick Simon and I were appointed to the task of reviewing the status of the contractual agreement between the municipality and PCTV, and determining the need for a new contractual agreement between the parties. This entailed also reviewing the funds received by the municipality (and by the Borough and the Township prior to consolidation ) to determine if the financial terms of the agreement had been met by the municipality.**

**Patrick and I met with Kathy Monzo on 10 Dec '14 to review the documents pertaining to the status of the contractual agreement and the funds that have been withheld by the municipality pending a review of the status of the contractual agreement. Our review determined that:**

- 1. In 2006 Princeton Borough and Princeton Township entered into an agreement with Princeton Community Television (PCTV) through Ordinance No. 2006-05. As specified in the ordinance, the term of the agreement was through 13 Oct 2014, which also is the expiration date of the current municipal franchise with COMCAST. The agreement between the municipalities and PCTV specifies that "The municipalities will annually provide to Princeton Community Television the funds that the municipalities receive from the cable franchise holders....".**

**Our records show that all funds received from COMCAST and Verizon during the years before 2012 have been provided to PCTV by the municipality. Negotiations on a contract between the parties for 2014 commenced earlier this year but were not completed. Accordingly, it is our position that PCTV is contractually entitled to all of the funds received by the municipalities from COMCAST and Verizon during the years 2012 and 2013. The balance of these funds that have been retained by the municipality is \$93,355.57 (a Verizon payment received by the former Township in the Jan/Feb 2012 time period) and \$103, 573.98 received by the municipality from Verizon in Jan/Feb 2014. In addition, the municipality received \$351, 212.23 from COMCAST and Verizon in the Jan/Feb 2014 time period. It is our position that the funds received in 2014 should not be remitted to PCTV until a contract between the parties has been negotiated.**

- 2. Kathy will notify PCTV that our current contract has lapsed and that we are now operating without a contract. She will also request a revenue and expense statement from PCTV for 2014, an estimate of PCTV reserves (cash accumulated by PCTV as a result of funds provided by the municipality exceeding expenditures in prior years) and proposed budgets for 2014 and 2015. PCTV will be asked to provide this information by the end of 31 Jan 2015 or earlier so that the parties can complete negotiations on the 2014 contract get a contract in place for 2015 as soon as possible.**

**Bernie**