

PRINCETON COUNCIL MEETING
June 16, 2014

A special meeting of the Mayor and Council of Princeton was held on this date at 7:00 p.m. in the Main Meeting Room, Witherspoon Hall, 400 Witherspoon Street, Princeton, NJ.

NOTICE OF MEETING

The Assistant to 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 March 27, 2014 at 11:55 a.m., said schedule 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 Assistant to the Clerk then called the roll.

Present: Ms. Butler, Ms. Crumiller, Ms. Howard, Mr. Liverman, Mr. Miller, Mr. Simon and Mayor Lempert.

Absent: None

Also Present: Ms. Monzo, Mr. O'Neil and Ms. Maddox.

PLEDGE OF ALLEGIANCE

Mayor Lempert asked all present to rise for the Salute to the Flag.

COMMENTS FROM THE PUBLIC

Mayor Lempert asked if anyone present from the public wished to address Council with an issue not listed on the agenda.

Paul Driscoll, Harris Road, voiced concerns about the process in which the reserving of parcels of land where a variance for a developer's project is brought before the Planning Board or town council and the method by which information is shared with the public. Mr. Driscoll stated that he met with many local residents and there is widespread frustration with recent Planning Board approvals presented to the public seemingly at a later stage when the project has built up momentum and appears to have power of its own. By the time the project is presented and the public input is heard their concerns are treated as smaller matters or too little too late.

Mr. Driscoll's asked several questions: 1) is there a better way to notify the public in advance of a new project, such as the Franklin Street parking lot project, to include the public in the planning process, to know in advance what is at stake and address the concerns in a thoughtful, effective and tactful way?, 2) how can comments from the public be included more often and at an earlier stage so that residents can be part of the process?, and 3) how can residents be part of the governing bodies process and not merely subservient to it?

Mayor Lempert stated that the Franklin Lot is different from other development projects brought before Council due to the fact that the Franklin Lot is part of an agreement with Princeton University and owned by the municipality; so whatever happens would be up to the governing body in a way that is different than if it's privately owned. Mayor Lempert stated that Ms.

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Crumiller and Mr. Simon are on the Advisory Planning District Task Force. The task force would be a mechanism for development projects that would help notify neighborhoods of developments that will be occurring and receive input from the affected neighbors at an early stage. Mayor Lempert also stated that the Planning Board always encourages developers of any major development project to present a concept plan early in the process.

The Advisory Planning Districts Taskforce will present an up to date status report on the Council meeting of July 14, 2014.

Linda Auerbach stated that the signage on Lytle Street needs to be more visible. Ms. Auerbach wants there to be an additional "Children At Play" sign and a posted speed limit sign on Witherspoon Street, and also stated for the record a statement that she read "To the Council: Several weeks ago I referred, without revealing her identity, to a local humanitarian who had donated-at my asking her-a significant amount of money to aid the beleaguered tenants who had had the misfortune to inhabit 7 Lytle Street during the month of April 2014. The money I asked her for was to compensate them for the unfortunately inadequate recovery they made after suing the landlord, Sanford Zeitler. The lovely, decent person who donated the funds passed away this week. Ann Yasuhara, whom I had the privilege to call a friend for many years, died surrounded by friends and family. She was not a publicity-seeker (unless on behalf of an organization or cause she believed in), but I wanted people to know that in the final week of her life, and despite enormous suffering, she was still persisting in being helpful to those around her. By helping that poor family, Ann helped me. And she knew it. I have learned that there is to be a memorial service for Ann Yasuhara at the Friends Meeting House, Quaker Road, on Saturday, July 5, 2014 at 2 p.m., followed by a reception. I will greatly miss this wonderful, thoughtful, generous person. Being the eldest of six children, I'd always wanted an older sister. She came close to being that for me. My condolences to Mitsuru, Ann's beloved husband."

Ms. Butler congratulated Mr. Miller and welcomed him back from vacation. Mr. Miller reciprocated to Ms. Butler on her election win. The rest of council congratulated Mr. Miller and Ms. Butler on their win.

Dr. Samuel Hamod, 282 Witherspoon Street, congratulated Ms. Butler and other members of Council. Dr. Hamod stated that he and other residents are concerned for the children and the asbestos at the hospital site and asked if the four asbestos air monitors are in place.

Mayor Lempert stated that the monitors are inside the hospital and that she visited the site and saw the rooms with asbestos were wrapped in plastic. She stated she could not enter the rooms but the asbestos removal is being monitored and regulated by the State.

Ms. Butler stated that an updated memo, from Mr. Kiser, on the asbestos was received by Council. The memo stated that the work on the asbestos was completed in several areas and the initial results submitted to the Health Department regarding the air monitoring was found to be satisfactory. Mr. Whitman and the Engineering Department are on site regularly and the results of the asbestos air monitoring are being received.

Dr. Hamod also wanted to know if the safe guards for the workers dealing with the asbestos have been implemented.

Dr. Hamod directed a question to Mr. Miller regarding the 7 year budget agreement with Princeton University. He wanted to know how Mr. Miller arrived at the figures in the report and requested a written explanation. Dr. Hamod also stated that Princeton University is only paying 20% to 25% of what it should to the municipality. Lastly, he inquired how the figures were justified and strongly urged Council to reconsider.

Mr. Miller will respond by email to Dr. Hamod's request for an explanation.

DISCUSSION AND ORDINANCE REINTRODUCTION

AN ORDINANCE BY PRINCETON CONCERNING LANDSCAPING REGISTRATION AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968"

Ms. Howard stated that this is an important step to protect the rights and safety of immigrants in the community. She also stated that this is a unique collaboration between key government officials and community partners. Ms. Howard stated that the Human Services Department, Princeton Police and the Latin American Legal Defense Fund (LALDF) also collaborated in the effort that will address and prevent wage theft in the immigration community and make the town more welcoming.

Mr. Simon thanked Councilwoman Howard and Mr. Heilner for the memo that was presented to Council on the wage theft amendments and the landscaping ordinance.

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

John Heilner stated that wage theft is prohibited by state and federal law and that it occurs all too frequently in our community, especially for day laborers who work in landscaping, restaurants and other low wage industries. This year there were 10 wage thefts reported by Chief Sutter in the Princeton community. Most wage theft goes unreported as workers fear of losing their jobs, or out of concern for their immigration status.

Elisa Neira, Human Services Director, stated that her office has collaborated to streamline the process for workers reporting wage theft, including a new intake form and process that will allow workers to seek help. Ms. Neira extended a special thank you to Mr. Hough for the assistance on the landscaping ordinance.

Craig Garcia, 52 Birch Avenue, of New Labor, New Brunswick, wanted to express his thanks to the Human Services and Police Department for all their efforts.

Seeing no one further Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Ms. Howard, seconded by Mr. Miller. Mayor Lempert asked for a roll call vote which was carried unanimously. Mayor Lempert proclaimed the ordinance reintroduced and the public hearing will be scheduled for July 14, 2014 agenda.

DISCUSSION AND ORDINANCE INTRODUCTION

AN ORDINANCE BY PRINCETON CONCERNING TREES AND SHRUBS AND THE PRINCETON SHADE TREE COMMISSION, AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968"

Greg O'Neil, Arborist and Assistant Superintendent of Public Works, gave a presentation (attached) on Chapter 22 of the Code of Princeton; Trees and Shrubs. Mr. O'Neil discussed Article 3 dealing with public property. This article maintains control over public rights of way and public property while at the same time

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allowing activity in the same areas through written permission from the municipality. Also addressed was Article 4 pertaining to private property and what the permit requirements and fees are.

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Janet Stern, member of Shade Tree Commission, wanted to clarify what the requirements of a replacement tree should be. She stated that the criteria is in the ordinance but not under the "Replacement" section. The information falls under Section 22-2h "Definitions".

Seeing no one further Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Mr. Liverman with the following amended changes: 1.) in Section 22-3, the third sentence, the following language should be added, "*the Mayor, upon consultation with Council, shall appoint the members and alternates.*" 2.) in the sentence at the end of "a" it should now read: "*The Commission shall annually elect its chairperson from among its members*" and 3.) in Section 22-15 regarding the appeal to Mayor and Council there are two spots that say they have 30 days to respond, that should now read "*the Mayor and Council shall have 45 days to render a decision.*" The motion was seconded by Mr. Miller. Mayor Lempert asked for a roll call vote which was carried unanimously. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for July 14, 2014 agenda.

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 discussion and asked if anyone wished to address Council on this issue

Seeing no one further Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Mr. Liverman to table the ordinance, seconded by Mr. Simon. Mayor Lempert asked for a roll call vote which was carried unanimously. Mayor Lempert proclaimed the ordinance will be reintroduced on the agenda of June 23, 2014.

AN ORDINANCE BY PRINCETON CONCERNING THE PRINCETON ENVIRONMENTAL COMMISSION AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue

Seeing no one further Mayor Lempert closed the public discussion and returned to Council.

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A motion was made by Ms. Crumiller with the following amended changes: take out the "ex officio" language and have the language regarding the 3 liaisons mirror each other. The motion was seconded by Mr. Liverman. Mayor Lempert asked for a roll call vote which was carried unanimously. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for July 14, 2014 agenda.

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

14-183 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
Boards Commissions and Committees Appointment

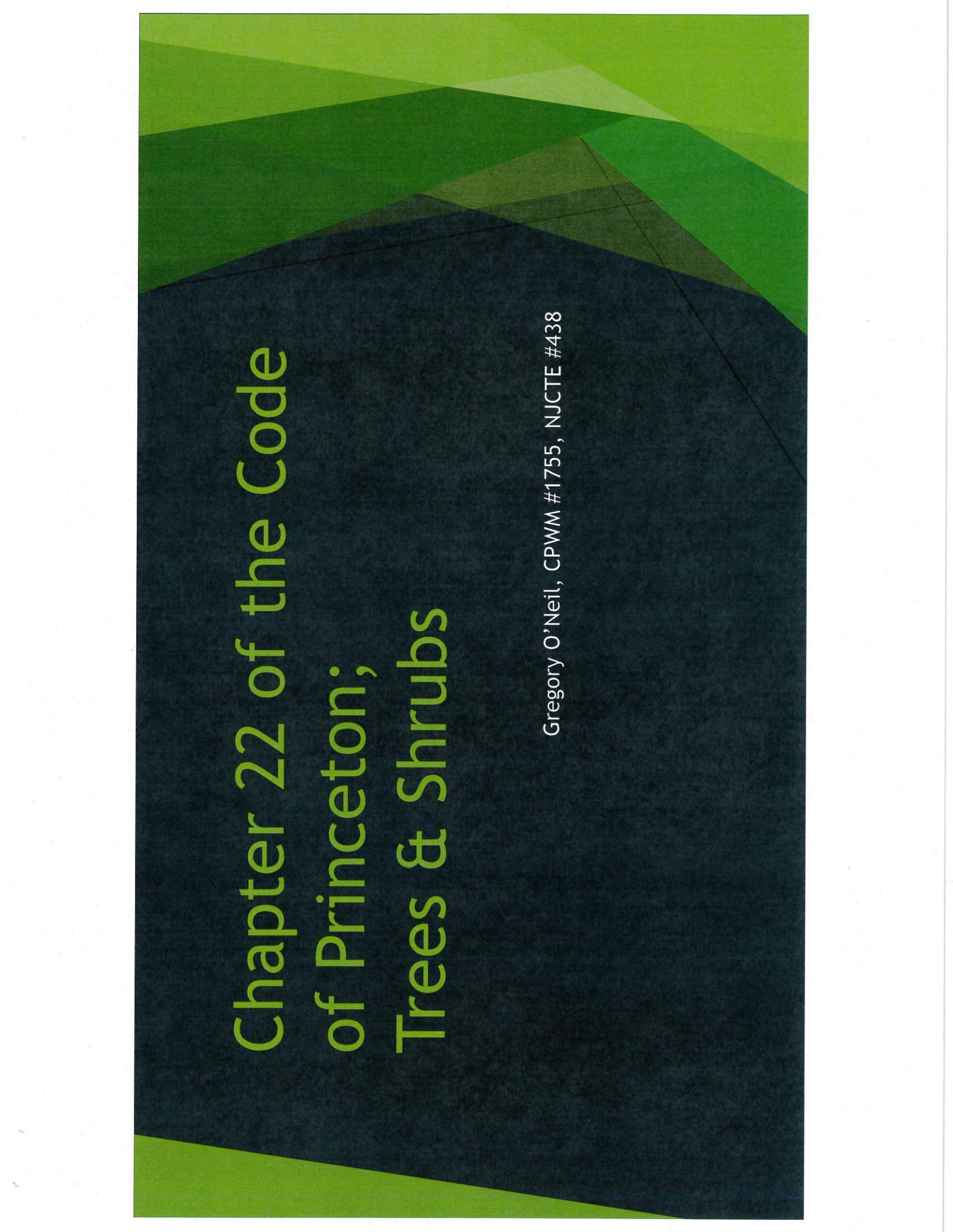
3. Stated as precisely as presently possible, the following are the time when and the circumstances under which the discussion conducted at said session can be disclosed to the public:

Within 90 days or upon settlement of litigation, if applicable

Mayor and Council discussed Personnel and Boards Commissions and Committees Appointment.

There being no further business the meeting was adjourned at 9:47 p.m.

Delores A. Williams
Assistant to the Clerk



Chapter 22 of the Code of Princeton; Trees & Shrubs

Gregory O'Neil, CPWM #1755, NJCTE #438

Article 3; Sections 22-6 through 22-9: Public Property

- ▶ Maintains control over public rights of way and public property (parks, open space etc..)
- ▶ Allows for activity in same through written permission from the municipality

Article 4: Section 22-10 through 22-15 Private Property

- ▶ Section 22-11; Permit Requirements
- ▶ Trees with a Diameter Shoulder Height (DSH) of 8 inches or greater
- ▶ Evergreen or Ornamental Trees 10 feet in height or greater
- ▶ Trees with a canopy extending into the Right of Way (ROW)
- ▶ Specimen or Significant trees
- ▶ \$25.00 Fee for permit

T r e e s i z e s a m p l e s



10'



8" DSH

Section 22-12 Exceptions

- ▶ Abatement of imminent danger to life or property
- ▶ Fallen trees due to natural causes
- ▶ Dead or substantially diseased trees
- ▶ Planning or Zoning Board Applications
- ▶ Historic Preservation Zoning Districts
- ▶ New Jersey Farmland Assessment Act

Section 22-13 Permit Application

- ▶ Narrative includes:
- ▶ List of Trees to be Removed
- ▶ Reason(s) for removal
- ▶ Description of tree replacement plan

Sketch/Printed Plan

- ▶ Location and size of lot
- ▶ Structures and Appurtenances
- ▶ Identity and location of trees to be removed
- ▶ Location of streams and wetlands
- ▶ Type and location of trees to be planted

Tree Replacement Plan

- ▶ One to one ratio
- ▶ Payment to Shade Tree Trust Reserve
- ▶ Replanting not feasible, plan not required at Enforcement Officer's discretion
- ▶ Notification to contiguous properties

Appeals

- ▶ Denied or Partially Approved Permits
- ▶ Shade Tree Commission
- ▶ Mayor and Council

Article 5; Sections 22-16 through 22-18; Violations

- ▶ Informal complaint - STC
- ▶ Adjudication in Municipal Court



Contractor Registration

- ▶ \$50.00 Fee
- ▶ Receive copy of ordinance
- ▶ Registration may be suspended or revoked
- ▶ Owner of property doing work- no registration

