



PRINCETON

Draft

MAYOR AND COUNCIL OF PRINCETON

MINUTES • OCTOBER 12, 2015

Regular Meeting

Main Council Room

6:00 PM

400 Witherspoon Street, Princeton, NJ 08540

I. STATEMENT CONCERNING NOTICE OF MEETING

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 October 9, 2015 at 10:30 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.

II. ROLL CALL

The Municipal Clerk then called the roll.

Present: Councilwoman Butler, Councilwoman Crumiller, Councilwoman Howard, Councilman Liverman, Council President Miller, Councilman Simon and Mayor Lempert.

Absent: None.

Also Present: Mr. Dashfield, Administrator, Ms. Monzo, Deputy Administrator, Ms. Cecil, Esq., and Mr. Kiser, Engineer.

III. 6:00 P.M. CLOSED SESSION: LITIGATION/NEGOTIATIONS/PERSONNEL

1. 15-294 Resolution Closed Session

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patrick Simon, Councilman
SECONDER:	Lance Liverman, Councilman
AYES:	Howard, Crumiller, Miller, Liverman, Butler, Simon

2. Administrator Annual Review
3. Personnel Update
4. COAH Update
5. Open Space and Other Potential Acquisitions

IV. 7:00 P.M. OPEN SESSION

Council entered open session at 7:00 p.m.

V. PLEDGE OF ALLEGIANCE

The audience participated in the pledge of allegiance.

VI. APPROVAL OF MINUTES

1. July 27, 2015

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lance Liverman, Councilman
SECONDER:	Heather Howard, Councilwoman
AYES:	Howard, Crumiller, Miller, Liverman, Butler, Simon

VII. COMMENTS FROM THE PUBLIC

Nate Howard, 50 Aiken Avenue, asked everyone to celebrate Councilwoman Howard's (his mother) birthday by singing.

Alvin McGowen, 12 Race Street, discussed a recent letter to the editor in the Princeton Packet opposing affordable housing. He stated that neighborhoods have a right to comment on issues that may affect them and he asked that Council not take the comments written in the letter to represent the views of the Witherspoon-Jackson neighborhood. Residents in the neighborhood are in favor of affordable housing.

Leighton Newlin, 230 Birch Avenue/Princeton Housing Authority, stated that the letter is a tactical insult on the Witherspoon-Jackson neighborhood. He said that he is an advocate for low income housing.

Dosier Hammond, 87 Leigh Avenue, stated that he was a strong advocate for affordable housing, and noted that most affordable housing is located farther out in the municipality like Griggs Farm.

Greg Hand, 165 Valley Road, stated that he submitted a letter in late September to the Mayor and the Planning Board regarding the composition of members of the steering committee for the Bicycle Master Plan. Mr. Hand said that there is a group of residents from neighborhoods through which bike routes might pass that might be adversely affected by the plan and should be part of the process from beginning to end. He asked that the Council be cognizant of this concern and place at least one resident on the steering committee who would represent these concerns.

Steve Gubser, 3 Queenston Place, asked that the municipality try using the New Jersey Department of Environmental Protection (NJDEP) model for its noise ordinance. Ms. Crumiller said that the Code Review committee did have a discussion about the NJDEP model and how its standards might fit. Mr. Simon said that in the agenda packet of July 21, 2014 there was a memorandum outlining the legal issues of the various model ordinances. After reviewing the NJDEP ordinance, it was decided to use the nuisance

standard in formulating our noise ordinance because we could enforce it through our own policing.

VIII. PROCLAMATION: IN SUPPORT OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mayor Lempert read a proclamation declaring that Princeton is officially supporting National Cyber Security Awareness Month and the National Public Awareness Campaign, “Stop. Think. Connect”.

IX. SEWER ASSESSMENT CONFIRMATION PUBLIC HEARINGS

Robert Hough, Director of Infrastructure and Operations stated that on behalf of the Princeton Sewer Operating Committee (PSOC), he met with the three property owners of 43 Oakland Street, 355 Walnut Lane and 48 Cuyler Road to discuss a modification of their proposed sewer assessments. Mr. Hough recommended a total decrease in the proposed sewer assessments of \$789.50.

Mayor Lempert opened the public hearing for resolutions 15-295 and 15-296.

Residents of Walnut Lane and Harris Road asked why they were responsible for making payment on a bill that is ten years late. Mr. Dashield apologized and said that a new process has been put into place so that this will not happen again. Unfortunately current residents are responsible for payment of the assessment. Mr. Dashield said that the added assessments to their properties should have been addressed by their title companies at the time of sale.

Barbara Martin, 210 Terhune Road, said that this was the first time that she had received a bill and had expressed her concerns to Mr. Hough, who sent out an employee to shoot a video of the sewer line at her property. Mr. Hough also requested that the property at 210 Terhune Road be removed from the list of assessments until a further review of the proposed assessment is determined. After discussion it was decided by Council to remove 210 Terhune Road from the assessment list until further review has been made.

Mayor Lempert closed the public hearing.

1. 15-295 Resolution to Confirm Ordinance 2004-4 Regarding the Harris Road, Hillside Road, Loomis Court, Oakland Street, Cuyler Road and Walnut Lane Sanitary Sewer Project

The resolution was amended to decrease the total proposed assessments to \$789.50 and the removal of 210 Terhune Road until further review.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Lance Liverman, Councilman
SECONDER:	Jenny Crumiller, Councilwoman
AYES:	Howard, Crumiller, Miller, Liverman, Butler, Simon

2. 15-296 Resolution to Confirm Ordinance 2005-12 Regarding the Littlebrook Road Sanitary Sewer Project

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lance Liverman, Councilman
SECONDER:	Jenny Crumiller, Councilwoman
AYES:	Howard, Crumiller, Miller, Liverman, Butler, Simon

X. REPORTS

1. 15-297 State Division of Local Government Services Best Practices Inventory

Sandra Webb, Chief Financial Officer, reviewed with the Mayor and Council the Best Practices Inventory.

2. Review 2015 Council Goals

Mr. Dashield reviewed with the Mayor and Council the current status of the 2015 Council Goals.

Council Reports:

Ms. Howard said that the Human Services Commission is currently discussing the possibility of reconstituting the Civil Rights Commission. She also said that the Department of Health will be holding a flu clinic on October 13, 2015. Ms. Howard also noted that there are national conversations being held regarding the issue of gun violence.

Mr. Liverman said that there will be a Unity Walk, October 24, 2015 at 1:00 p.m. and an Open House at the Witherspoon Fire House on October 17, 2015.

Ms. Butler said that the Recreation Department will be offering free platform tennis lessons. She also noted that a draft of the Witherspoon-Jackson survey was presented tonight at the Historic Preservation Commission and will be posted online.

Mr. Simon said that the Public Works Committee has discussed adding a pilot for container leaf pick up. Mr. Simon and Mr. Hough met with Steve Hiltner to discuss the project in more detail and it will be brought back to the Public Works Committee at their next meeting.

Mayor Lempert reported that there will be a ribbon cutting ceremony for the footbridges at Mountain Lakes on October 18, 2015, at 1:30 p.m.

XI. ORDINANCE PUBLIC HEARING

Mayor Lempert read by title the proposed ordinance.

1. An Ordinance by Princeton Authorizing the Amendment of Certain Easements and the Conveyance of Other Easements to the United States Postal Service in Connection with the Palmer Square Post Office Building

Mayor Lempert read the following amendment to the proposed ordinance:

Section 2. Extension of 1932 Easements and conveyance of new easements for Easement Encroachment Areas authorized. Subject to compliance with applicable Green Acres regulations, if any (including, if necessary, the prior approval of the Commissioner of the Department of Environmental Protection and/or State House Commission), the Mayor

and Council hereby authorize the conveyance and correction of the 1932 Easements identified in the preamble hereto and the conveyance of new easements for the Easement Encroachment Areas also identified in the preamble hereto (collectively, the 2015 Easement Areas), in exchange for a payment of eighty-five thousand dollars (\$85,000.00) to the municipality, and upon the terms and conditions set forth in a certain agreement entitled "Easement Agreement," a copy of which is attached hereto and made a part hereof, which agreement shall be subject to such technical revisions as the Princeton Attorney may in his or her professional judgment deem reasonable, necessary and prudent. This authorization does not include any easements or other interests other than those depicted on the Plan identified in the preamble hereto.

Ms. Cecil, Esq. indicated that the amendment was not substantive and that the proposed ordinance could be adopted as amended. The amendment does not alter any underlying provisions of the ordinance and is already stating what the law is.

Mr. Simon offered a motion approving the amendment as proposed. Mr. Liverman seconded the motion which was carried unanimously.

Mayor Lempert then opened the public hearing.

David Newton, Palmer Square Management, expressed concerns about moving ahead with the proposed easement noting that he felt that it was doing a disservice to the municipality. He said that there is a document that exists which indicates that the entrance to the Palmer Square Green was aligned for use as a Post Office. If there is no longer a Post Office then the entrance would no longer exist. Mr. Newton said that Palmer Square Management is very concerned on how the Palmer Square Green is going to be used in terms of events and how a third party is going to respect the status quo that currently exists.

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

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Heather Howard, Councilwoman
SECONDER:	Lance Liverman, Councilman
AYES:	Howard, Crumiller, Miller, Liverman, Butler, Simon

XII. RESOLUTIONS

1. 15-298 Professional Services Agreement, White Buffalo, Inc, Deer Population Distance Sampling, November 1, 2015 to December 31, 2015, Not to Exceed \$5,670.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bernard Miller, Council President
SECONDER: Lance Liverman, Councilman
AYES: Howard, Crumiller, Miller, Liverman, Butler, Simon

2. 15-299 A Resolution Authorizing Adjustments of the Sewer Billing for Princeton University for the Tax Year 2015

Mayor Lempert recused herself from this resolution.

RESULT: ADOPTED [5 TO 0]
MOVER: Lance Liverman, Councilman
SECONDER: Jenny Crumiller, Councilwoman
AYES: Crumiller, Miller, Liverman, Butler, Simon
RECUSED: Howard

3. 15-300 Princeton Affordable Housing Program, Subsidy Payment, 269 Griggs Drive, Not to Exceed \$19,450.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lance Liverman, Councilman
SECONDER: Jenny Crumiller, Councilwoman
AYES: Howard, Crumiller, Miller, Liverman, Butler, Simon

4. 15-301 Resolution, Down Payment Assistance, Applicant #56, Not to Exceed \$5,000.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bernard Miller, Council President
SECONDER: Lance Liverman, Councilman
AYES: Howard, Crumiller, Miller, Liverman, Butler, Simon

XIII. CONSENT AGENDA

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bernard Miller, Council President
SECONDER: Jenny Crumiller, Councilwoman
AYES: Howard, Crumiller, Miller, Liverman, Butler, Simon

1. Bills & Claims
2. Release of Cash Performance Guarantee to Princeton University in the Amount of \$66,300.00 for Faculty Road Grade Crossing and Sidewalk; Administrative Waiver Contingent Upon the Receipt of an Acceptable Maintenance Guarantee and Agreement in the Amount of \$9,945.00 Which is 15% of the Performance Guaranty Amount and Will Serve as the Required Two (2) Year Maintenance Guaranty

3. Release of Maintenance Bond in the Amount of \$178,397.14 for Improvements to Ewing Street to Top Line Construction Corporation
4. 15-302 Resolution of the Mayor and Council of the Municipality of Princeton to Execute a Donation Agreement with NRG Energy, Inc. for the Donation and Installation of 3 Rapid Flashing Beacons to be Installed at the Intersections of Route 206 and Westcott Road, Route 206 and Cleveland Lane, and Witherspoon Street and Hulfish Street
5. 15-303 Resolution of the Mayor and Council of the Municipality of Princeton to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Spruce Street Improvement Project
6. 15-304 Resolution Neighborhood Planning Committee Task Force

XIV. CLOSED SESSION (CONTINUATION OF ABOVE IF NECESSARY)

Mr. Miller offered a motion to return to closed session. The motion was seconded by Ms. Crumiller and carried unanimously.

XV. ADJOURNMENT

There being no further business the meeting was adjourned at 10:30 p.m.

Linda S. McDermott
Municipal Clerk