



PRINCETON
MAYOR AND COUNCIL OF PRINCETON
MINUTES • DECEMBER 21, 2015

Regular Meeting

Main Council Room

4:00 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 December 17, 2015 at 12:30 p.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 for Council: Mayor Lempert (5:10 p.m.), Councilwoman Butler, Councilwoman Crumiller, Councilwoman Howard, Councilman Liverman, Council President Miller, and Councilman Simon.

Absent: None.

Also Present: Mr. Dashield, Administrator, Ms. Cecil, Esq., Municipal Attorney.

III. 4:00 P.M. CLOSED SESSION: LITIGATION/PERSONNEL/NEGOTIATIONS

1. 15-363 Resolution: Closed Session

Ms. Howard and Mayor Lempert recused themselves from the Princeton University litigation discussion. Martin Allen, Esq., Special Counsel, participated in the discussion through the phone.

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

2. Fields et al. v. Princeton University et al. tax appeals, Tax Court Docket Nos. 10656-2011, 5904-2014, and 7556-2015: discussion and analysis of lawsuit, and interview and evaluation of potential professional/expert.

5:10 P.M. Mayor Lempert arrives.

5:10 P.M. Ms. Howard leaves the meeting.

3. Henderson/Villaruz Litigation
4. Papp Litigation
5. COAH Litigation
6. Boards & Commissions Appointments
7. Labor Negotiations/PBA

IV. 7:00 P.M. OPEN SESSION

V. PLEDGE OF ALLEGIANCE

The audience participated in the pledge of allegiance.

VI. ANNOUNCEMENTS

Ms. Butler said the Princeton Theological Seminary is currently running safety drills with the Princeton Police Department. Chief Sutter said that the drills will have no impact to the Princeton Community.

Mayor Lempert announced that the Princeton Council has scheduled its annual Reorganization Meeting for January 4, 2016, beginning at 5:00 p.m. A Goals and Priorities Meeting has been scheduled for January 13, 2016, at 7:00 p.m.

VII. APPROVAL OF MINUTES

1. September 8, 2014

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

2. September 10, 2015

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

3. Closed Session November 12, 2015

RESULT: APPROVED [UNANIMOUS]
MOVER: Jenny Crumiller, Councilwoman
SECONDER: Jo Butler, Councilwoman
AYES: Crumiller, Miller, Liverman, Butler, Simon
ABSENT: Howard

4. Closed Session November 16, 2015

RESULT: APPROVED [UNANIMOUS]
MOVER: Jenny Crumiller, Councilwoman
SECONDER: Jo Butler, Councilwoman
AYES: Crumiller, Miller, Liverman, Butler, Simon
ABSENT: Howard

5. Closed Session November 23, 2015

RESULT: APPROVED [UNANIMOUS]
MOVER: Jenny Crumiller, Councilwoman
SECONDER: Jo Butler, Councilwoman
AYES: Crumiller, Miller, Liverman, Butler, Simon
ABSENT: Howard

VIII. COMMENTS FROM THE PUBLIC

Mayor Lempert said that in regards to the Witherspoon-Jackson Historic Study Report, Council will not be taking any action this evening, they are just hearing the report. She said that there will be an opportunity for public comment during the first quarter of 2016.

James Kilgore, 492 Pretty Brook Road; Neil Melker, 219 Valley Road; John Heilner, 144 Library Place; Shirley Satterfield, 30 Quarry Street; Willie Mae Tadlock, 29 Green Street; Minnie Craig, 173 Witherspoon Street; Kip Cherry, 24 Dempsey Avenue; Yina Moore, 19 Green Street; Alan Carnevale, 178 Birch Avenue; Mary Trotman, 30 Lytle Street; Joseph Weiss, 70 Leigh Avenue; Marina Rubina, 28 Quarry Street; Louise McClure, 13 Green Street; all spoke in favor of the Witherspoon-Jackson Historic District.

Steve Hiltner, 139 North Harrison Street and Stephanie Chorney, 11 Race Street, spoke about sustainability issues and asked that the Mayor and Council review memorandums written on leaf and waste management.

IX. REPORTS

1. Update: Historic Preservation Commission, Witherspoon-Jackson Historic Study Report, Julie Capazzolli, Chair

Julie Capazzoli, Chair, Historic Preservation Commission and Elizabeth Kim, Historic Preservation Officer, reviewed with the Mayor and Council a power point presentation regarding the proposed Witherspoon-Jackson Historic District.

(Power point presentation appended to this set of minutes)

Mr. Liverman recused himself from this discussion, as he owns two properties in the proposed historic district.

Mr. Miller asked what reviews would be required for type 2 historic districts. Ms. Capazzoli said that it would be reviewed first by the Historic Preservation Commission than the Zoning Board.

Ms. Butler said that a review of specific sites would go through the Planning Board. She asked if a review of the proposed ordinance would go through the Planning Board as well. Ms. Cecil said that it would.

Mr. Simon said that Council has received specific requests for rezoning for the historic district and asked what it would take to rezone. Lee Solow, Planning Director, said that there are ways to rezone other than traditional zoning such as formed based code or additional design standards. Mr. Simon said that it seemed daunting and time consuming but hoped that the process would be manageable.

Mayor Lempert said that the Witherspoon-Jackson neighborhood is undeniably historic and Council wants to understand exactly what the historic designation means. She said that there will be a work session planned to discuss the proposed historic district at a future meeting.

2. October 2015 Police Report, Chief Sutter

Chief Sutter discussed with the Mayor and Council the October, 2015 Police Report.

Chief Sutter said that they were reviewing policies and the technology for body cameras. He said that the police department will be moving deliberately in their review of the body camera issue.

3. COAH Litigation Update, Marc Dashield, Administrator

Mr. Dashield reported that on November 7, 2015, the municipality submitted to the New Jersey State Court the required affordable housing matrixes. He said that after review, the matrixes were approved by the Court and Princeton was granted temporary immunity until June 22, 2016.

Mr. Dashield stated that the affordable housing report would be distributed by December 21, 2015. By January 15, 2016 the municipality needs to identify its experts to the Court and by February 5, 2016 the experts' reports are due to the Courts.

Mr. Dashield outlined the following timeline: by March 11, 2016 the Regional Master will submit their report to the Courts, and that trial briefs are due by March 29, 2016. Mr. Dashield said that the trial on the methodology begins on April 18, 2016. He said that during this time, the municipality will be preparing the affordable housing element and fair share plan which will be adopted by June 22, 2016.

COUNCIL REPORTS

Ms. Crumiller said that the Traffic and Transportation Committee was reviewing valet parking and said that there were questions regarding going out to bid for the service. She said that there may be no way around going out to bid.

Mr. Miller said that early next year he would like to discuss with Council the possibility of a solar array on top of the municipal garage and the necessary funding.

Mr. Liverman said that there will be an Educational Awareness Program regarding opiates in the near future.

Ms. Butler said that she sent out a Recreation report on finances.

Mayor Lempert said that the Personnel Committee will be meeting regarding changes to the personnel manual.

Mr. Dashield said that the holiday tree pickup will begin the week of January 4, 2016.

4. 15-364 Bilingual Parent Liaison/Partnership with Princeton Public Schools

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

X. WORK SESSION

1. Draft 2016 Schedule of Meetings

The Mayor and Council reviewed a draft calendar of 2016 meetings and a memorandum regarding extra dates for meetings if necessary. Ms. Butler asked that the meetings be moved to Tuesday evenings. It was the consensus of the Council to accept the 2016 schedule.

2. Council Liaison Assignments

The Mayor and Council discussed Council Liaison Assignments for 2016. Ms. Butler asked that the membership of the Public Safety Committee be rotated among Council members. Ms. Crumiller said that she agreed with rotations among Council members. Mayor Lempert said that she took Council Liaison assignments very seriously and tried to match people with interests and expertise.

XI. ORDINANCE PUBLIC HEARING

1. AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 34 OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" CONCERNING SEWER CONNECTION FEES FOR THE MUNICIPALITY OF PRINCETON

The Mayor opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Motion – to adopt

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

2. AN ORDINANCE BY PRINCETON CONCERNING ANIMAL CONTROL AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968"

The Mayor opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Motion – to adopt

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

3. AN ORDINANCE BY PRINCETON REPEALING PROVISIONS RELATING TO AUCTIONEERS AND THE CABLE TELEVISION COMMITTEE OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968."

The Mayor opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Motion – to adopt

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

4. AN ORDINANCE BY PRINCETON CONCERNING THE MUNICIPAL HOUSING CODE AND AMENDING CHAPTER 16, ARTICLES I, II AND III OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974.

The Mayor opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Motion – to adopt

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

5. AN ORDINANCE BY PRINCETON CONCERNING THE FIRE PREVENTION CODE AND AMENDING CHAPTER 14, ARTICLE II OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974.

The Mayor opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Motion – to adopt

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

6. AN ORDINANCE BY PRINCETON REVISING THE DEFINITION OF FLOOR AREA RATIO AND OTHER TERMS, ELIMINATING CERTAIN EXCEPTIONS AND EXCLUSIONS FROM THE CALCULATION OF FLOOR AREA RATIO, AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968"

The Mayor opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Motion – to adopt

RESULT: ADOPTED AS AMENDED [3 TO 2]
MOVER: Jenny Crumiller, Councilwoman
SECONDER: Lance Liverman, Councilman
AYES: Crumiller, Liverman, Simon
NAYS: Miller, Butler
ABSENT: Howard

XII. RESOLUTIONS

1. 15-365 2015 Salary & Wages

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

2. 15-366 Transportation Committees Restructuring

RESULT: TABLED

3. 15-367 Professional Services Agreement, Martin Allen, Esq., for Special Tax Counsel Services, Fees on File.

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

4. 15-368 Professional Services Agreement, Maser Consulting, P.A., In The Not to Exceed Amount of \$3,000.00 for the Rapid Beacon Installations at Route 206 / Westcott, Route 206 / Cleveland Lane and Witherspoon / Hulfish Streets Intersections

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

5. 15-369 Agreement with Governors Lane Homeowners Association for 2014 New Jersey Municipal Services Act reimbursement in the amount of \$26,609.45

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

6. 15-370 Professional Services Agreement for 2016 Public Health Nursing Services for a Not to Exceed Amount of \$16,000.00

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

7. 15-371 Approving 2016 Shared Services Agreement with the Township of Montgomery for Health Education and Promotion Services, Not to Exceed \$12,500.00

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

8. 15-372 Professional Services Agreement, Psychiatrist to Corner House for 2016 for Dr. Dhvani Shah, Not to Exceed \$28,000.00

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

XIII. CONSENT AGENDA

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

1. Bills & Claims

2. Performance/Maintenance Guaranty extension of time to May 31, 2016 and reduction of performance guaranty by 70% for a new amount of \$1,756,860.12 for the Princeton University; Hibben & Magie Apartments (Block 10801, Lots 1&2) preliminary and final major site plan with variances
3. Performance/ Maintenance Guaranty Extension of Time to June 30, 2016 PNC Bank Drive Thru Site Plan, 301 N. Harrison Street, Block 7401, Lot 1.
4. Performance/Maintenance Guaranty, Release of maintenance bond in the amount of \$509,409.63 plus any remaining escrows and inspection fees for the Neuroscience & Psychology Building Complex (Block 10801, Lot 1), preliminary/final major site plan approval and conditional use with variances and preservation plan to Princeton University
5. Performance/Maintenance Guaranty, Extension of Time to September 30, 2016, Institute for Advanced Study, Faculty Housing Block 10401, Lot 1.
6. 15-373 Canceling Grant Receivables
7. 15-374 Authorizing Vendors for State Contract Purchasing for 2015
8. 15-375 Authorizing Cancellation of Capital Ordinances
9. 15-376 Approving Transfers in Accordance with N.J.S.A. 40A:4-58
10. 15-377 Canceling Stale Escrow Balances
11. 15-378 Resolution for Cancellation of Tax Balances Under \$10.00
12. 15-379 Canceling Stale Dated Checks for 2015
13. 15-380 HiTops Request for Permission to Hold Their Annual Princeton Half Marathon on Sunday, November 6, 2016
14. 15-381 The Carousel Organ Association of America (COAA) Request for Permission to Hold Their Carousel Organ Rally on August 4, 6 and Sunday, August 7, 2016.
15. 15-382 Resolution Authorizing Agreement with PCTV for Management of Princeton's Public Television
16. 15-383 Professional Services Agreement with PK Environmental, 205 Main Street, Chatham, New Jersey, Not to Exceed \$2,950.00, To Undertake and Complete a NJDEP Preliminary Assessment/Phase I Environmental Site Assessment of Block 4201, Lots 4, 5 and 17 of Princeton Tax Map.
17. 15-384 Supplemental Professional Services Agreement for Real Property Appraisal Services In Connection With The Potential Acquisition of Block 4201, Lots 4, 5 and 17, Princeton Tax Map: Robert E. Heffernan & Associates, P.O. Box 611, Oldwick, New Jersey, 08858-0611 for a sum not to exceed \$1,000.00 and Mark Tinder Appraisals, LLC, 29 Somerset Street, Second Floor, Somerville, New Jersey, 08876 for a sum not to exceed \$2,400.00.
18. 15-385 Resolution of the Mayor and Council of the Municipality of Princeton Professional Services Agreement Deer Carcass Removal Services LLC, Not to Exceed \$3,000.00

19. 15-386 Resolution of the Mayor and Council of Princeton Approving a Shared Services Agreement with Hamilton Township for 2016 Specialized Health Services, Fees on File
20. 15-387 Resolution of the Mayor and Council of the Municipality of Princeton Professional Services Agreement Healthy Child Well Baby Clinic with University Medical Center of Princeton at Plainsboro, Not to Exceed \$5,760.00
21. 15-388 Resolution of the Mayor and Council of the Municipality of Princeton Approving a Memorandum of Understanding with the City of Trenton for Public Health Nurse Case Management Services for Childhood Lead Poisoning, Not to Exceed \$0
22. 15-389 Resolution of the Mayor and Council of the Municipality of Princeton Professional Services Agreement for 2016 Supplemental Public Health Nursing Services for a Not to Exceed Amount of \$6,000.00
23. 15-390 Resolution Authorizing a Professional Services Agreement for Adolescent Health Services with HiTOPS, January 1, 2016 to December 31, 2016, Not to Exceed \$6,000.00
24. 15-391 Resolution of the Mayor and Council of the Municipality of Princeton Professional Services Agreement for 2016 Animal Boarding Services with Small Animal Veterinary Endowment (SAVE), Not to Exceed \$11,000.00
25. 15-392 Banner over Washington Road, Corner House, April 4-11, 2016, Announcing Annual Spring Benefit

XIV. CLOSED SESSION (CONTINUATION OF ABOVE IF NECESSARY)

XV. ADJOURNMENT

There being no further business the meeting was adjourned at 10:20 p.m.

Linda S. McDermott
Municipal Clerk