



PRINCETON
MAYOR AND COUNCIL OF PRINCETON
MINUTES • SEPTEMBER 12, 2016

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 September 9, 2016 at 9:20 a.m., said notice 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, Councilwoman Howard, Councilwoman Butler, Councilwoman Crumiller, Council President Liverman, Councilman Miller and Councilman Simon (6:05 p.m.).

Absent: None.

Also Present: Marc Dashield, Administrator; Nicholas Sutter, Chief of Police; Deanna Stockton, Municipal Engineer; Lisa Maddox, Esq., Assistant Municipal Attorney.

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

1. 16-249 Resolution, Closed Session

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

Mr. Simon arrived for the meeting at 6:05 p.m.

2. Litigation - COAH Update

Kevin Van Hise, Esq., Assistant Municipal Attorney was present for the above referenced discussion.

3. Personnel - Personnel Committee Employee Grievance Hearing

4. Personnel - Assistant Administrator Search

The above referenced items were discussed by the Council.

IV. 7:00 P.M. OPEN SESSION

V. PLEDGE OF ALLEGIANCE

The audience participated in the pledge of allegiance.

VI. ANNOUNCEMENTS

Ms. Howard announced that "Welcoming Week" in Princeton will begin on September 15, 2016 with a variety of activities to celebrate the diversity of our community.

Mayor Lempert said that the following meetings are scheduled for September:

- September 19, 2016, Master Plan Committee
- September 22, 2016, Mercer County Freeholder Board
- September 27, 2016, Neighborhood Character Kickoff Meeting
- September 30, 2016, Meet the Mayor Open Office Hours

VII. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Kip Cherry, 24 Dempsey Avenue, extended an invitation to the Mayor and Council to attend Battlefield artillery demonstration taking place on September 24, 2016 at the Princeton Battlefield.

VIII. REPORTS

Council Reports

Ms. Butler reported that Mercer County is examining the use of a 911 texting system.

Mr. Liverman said that there will be a program for "Send Hunger Packing" on September 25, 2016, 1:00 P.M. to 3:00 P.M. in Albert Hinds Plaza.

Mayor Lempert thanked the Princeton Fire Department for holding a 9-11 ceremony.

IX. APPROVAL OF MINUTES

1. April 18, 2016

Motion – to adopt

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

2. May 2, 2016

Motion – to adopt

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

3. May 9, 2016

Motion – to adopt

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

X. ASSESSMENT CONFIRMATION

- 16-250 Resolution Confirming Assessments For Local Improvements Pursuant To Ordinance 2006-37 (Route 206 And Laurel Circle Sewer Lateral Replacement Project)

Robert Hough, Director of Infrastructure and Operations, said that the proposed resolution confirmed the original bond ordinance from 2006 and that the final assessment for the three properties will be held at the pre assessment amount.

Mayor Lempert apologized to the affected residents and said that the bills for the proposed assessments should have gone out in 2006-2007.

Mayor Lempert opened the public hearing. There being no public comment, Mayor Lempert closed the public hearing.

Motion – to adopt

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

XI. 8:30 P.M. ORDINANCE PUBLIC HEARINGS

- 2016-34 An Ordinance By The Municipality Of Princeton Concerning Trees And Shrubs And Amending The “Code Of The Borough Of Princeton, New Jersey, 1974” And “Code Of The Township Of Princeton, New Jersey, 1968.”

Mayor Lempert read the proposed ordinance by title.

Ms. Maddox reviewed with Council two versions of the proposed ordinance. She said that the first was introduced on July 25, 2016 and revised to include the entirety of Chapter 22. She stated that the purpose of the expanded version was to ensure that the changes would be easier to understand, and could be read in the context of the entire chapter. The amendment would change the form of the Ordinance only and would not substantially alter the substance of the ordinance. Ms. Maddox said that this change would not prevent the ordinance from being voted upon and adopted at tonight's meeting.

Ms. Maddox said that a second, alternative version of the proposed ordinance as recommended by The Shade Tree Commission, addresses concerns with the permitting process as it applies to Ash trees impacted by the Emerald Ash Borer. She said that a concern raised by The Shade Tree Commission was that the ordinance as introduced may encourage property owners to wait until their Ash trees were dead or substantially diseased so that they could be removed without the necessity of filing a permit or planting replacement trees. To combat that issue, the Shade Tree Commission drafted language to create a means to encourage homeowners to be proactive rather than reactive when making decisions regarding their Ash trees.

Ms. Maddox stated that the goal of the proposed language was to empower the Shade Tree Commission to request that Council, in appropriate cases, modify the permitting process and/or replacement tree requirements when there is a significant pest outbreak impacting a species of tree, such as the Emerald Ash Borer. She said that in such cases, the Shade Tree Commission would present Council with all the relevant background and justifications, and then Council would have the availability to allow to a more relaxed permitting process and replacement tree requirement for removal of those particular trees.

Ms. Maddox said that it was important to note that the Shade Tree Commission considered and rejected alternative language that was offered to address the Ash tree issue specifically. She said that the amendment as recommended by the Shade Tree Commission would substantially alter the substance of the proposed ordinance and therefore, would require a final vote to take place at a subsequent Council meeting that is at least one week after tonight.

Ms. Crumiller asked if a photo of a dead tree from a resident would suffice in beginning the process. Ms. Konopka said that she has accepted photos in the past, but does not like to accept them as a general rule.

Mr. Simon stated that we are creating a complex solution and said that the language proposed by Ms. Maddox is much clearer.

Ms. Howard said that so much work has gone into the amendments for this ordinance. She said that she felt the pressure of time. Ms. Konopka said that waiting one more month to figure out the details would be worthwhile.

Mr. Simon stated that he felt that the proposed ordinance is moving in the wrong direction and goes against one of Council goals for improved customer service.

Ms. Butler said that she would like the exemption for Ash trees to be removed from the proposed ordinance.

Mayor Lempert opened the public hearing.

Peter Madison, 645 Snowden Lane, commended Mr. Simon on his observations. He suggested that Council move forward with the current ordinance and proposed a new ordinance for properties with new construction.

Ronald Nielsen, 14 Humbert Street, stated that the revised ordinance was ostensibly drafted to discourage developers from clearcutting lots in order to construct McMansions and it may have the unintended consequence of causing greater expense and difficulty for existing homeowners. He asked that the proposed ordinance be revised to allow for the prompt, easy, reasonably-priced resolution to most cases, and noted that the term "imminent danger" in section 22-12(a) is being too restrictive.

(Letter appended to this set of minutes)

Sam Proccacini, 375 Terhune Road; Wendy Mager, 459 Cherry Hill Road; Jeff Clarke, 56 Balcort Drive; Kip Cherry, 24 Dempsey Avenue; Alexi Assmus, 32 Maple Street; and Steve Hiltner, 139 North Harrison Street all spoke against the proposed ordinance and asked Council not to adopt it at this time.

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

Mr. Liverman thanked everyone for their comments.

Ms. Crumiller said that no good deed goes unpunished and that the proposed ordinance is overly complicated. She felt that preserving trees is what was most important.

Ms. Howard stated that she was struck by the comments made tonight, that we need to find a balance and stop the cutting of trees.

Mr. Miller is concerned that we are losing the tree canopy in town.

Ms. Butler said that all of Council is in agreement about how much they value the trees in Princeton but she did not think that people were going to run out and cut down all of the Ash trees.

Mr. Simon stated that we are making homeownership less affordable in Princeton.

Motion – to adopt

RESULT:	ADOPTED [5 TO 1]
MOVER:	Heather Howard, Councilwoman
SECONDER:	Jenny Crumiller, Councilwoman
AYES:	Howard, Crumiller, Miller, Liverman, Butler
NAYS:	Simon

2. 2016-35 An Ordinance Granting Renewal Of Municipal Consent To Comcast Of Central New Jersey II. To Construct, Connect, Operate And Maintain A Cable Television And Communications System In The Municipality Of Princeton, Mercer County, New Jersey

Mayor Lempert read the proposed ordinance by title.

Mayor Lempert opened the public hearing. There being no public comment the Mayor closed the public hearing.

Motion – to adopt

RESULT:	ADOPTED [5 TO 0]
MOVER:	Bernard Miller, Councilman
SECONDER:	Jo Butler, Councilwoman
AYES:	Howard, Crumiller, Miller, Butler, Simon
AWAY:	Liverman

XII. ORDINANCE INTRODUCTIONS

1. 2016-36 Refunding Bond Ordinance Of Princeton, In The County Of Mercer, New Jersey, Providing For The Refunding Of All Or A Portion Of Certain General Improvement Bonds Of 2007 And General Improvement Bonds Of 2010 Originally Issued By The Borough Of Princeton And General Improvement Bonds Of 2009 And General Improvement Bonds Of 2011, Originally Issued By The Township Of Princeton, Appropriating \$16,000,000 Therefor And Authorizing The Issuance By Princeton Of One Or More Series Of Refunding Bonds In The Aggregate Principal Amount Of Not Exceeding \$16,000,000 For Financing The Cost Thereof.

Mayor Lempert read the proposed ordinance by title.

Motion – to introduce

RESULT: INTRODUCED [UNANIMOUS] **Next: 9/26/2016 6:30 PM**
MOVER: Jo Butler, Councilwoman
SECONDER: Jenny Crumiller, Councilwoman
AYES: Howard, Crumiller, Miller, Liverman, Butler, Simon

2. 2016-37 Authorization of \$95,000.00 to Acquire Permanent Right of Way Dedications and Temporary Construction Easements from Five Properties on Cherry Valley Road (#200, 206, 212, 222, and 224) in the Municipality of Princeton for Road Improvements

Mayor Lempert read the proposed ordinance by title.

Motion – to introduce

RESULT: INTRODUCED [UNANIMOUS] **Next: 9/26/2016 6:30 PM**
MOVER: Jenny Crumiller, Councilwoman
SECONDER: Lance Liverman, Council President
AYES: Howard, Crumiller, Miller, Liverman, Butler, Simon

3. 2016-38 An Ordinance by Princeton Concerning Overnight Parking and Applicable Permit Criteria, and Amending the “Code of the Borough of Princeton, New Jersey, 1974”. (Public Hearing October 10, 2016)

RESULT: TABLED

XIII. RESOLUTIONS

1. 16-251 Resolution of the Mayor and Council of Princeton Authorizing the Termination of the Contract Known as The Placement and Removal of Solid Waste Dumpsters with Future Sanitation, Inc.

RESULT: TABLED [UNANIMOUS]

2. 16-252 Resolution of the Mayor and Council of Princeton Authorizing and Directing the Administrator to Negotiate and Award a Contract for the Emergency Procurement of the Placement and Removal of Solid Waste Dumpsters at the Princeton Sewer Operating Committee's Convenience Center on River Road in an Amount not to Exceed \$15,000.00

Motion – to adopt

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

3. 16-253 Resolution of the Mayor and Council of Princeton Authorizing the Award of a Contract to Winner Ford through State of New Jersey Contract A88758, T2101 for Two (2) - 2017 Ford F350 Extended Cab 4WD Pick-Up Trucks for Use by the Princeton Department of Public Works in the Amount of \$67,194.00

Motion – to adopt

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

4. 16-254 Resolution of the Mayor and Council of Princeton Authorizing a Professional Services Agreement With Miller, Porter and Muller, PC for the Purposes of Representing the Princeton Planning Board (BOARD) in the Matter: Ziad and Nada Hadaya vs. Princeton Planning Board, Docket No. MER-L-1549-16, Not to Exceed \$30,000.00

Motion – to adopt

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

5. 16-255 Resolution Of The Princeton Mayor And Council Authorizing the Execution Of A Shared Services Agreement With The Princeton Public Library Board Of Trustees To Undertake A Competitive Procurement For A Solar Renewable Energy Project

Motion – to adopt

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

6. 16-256 Resolution of the Mayor and Council of Princeton Authorizing 2016 Manhole/Inlet Repair Project Contract Award to Top Line Construction Corporation in the Not to Exceed Amount of \$36,665.00

Motion – to adopt

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

- 7. 16-257 Resolution of the Mayor and Council of Princeton Authorizing 2016 Signage Project Contract Award to Straight Edge Striping, LLC in the Not to Exceed Amount of \$24,816.00

Motion – to adopt

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

XIV. CONSENT AGENDA

Motion – to adopt

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

- 1. Bills and Claims
- 2. 16-258 Resolution of the Mayor and Council of Princeton Authorizing an Adjustment of Sewer Billing, \$8,699.85 For Block 6103, Lot 40, 23 Walker Drive for 2016
- 3. 16-259 Resolution of the Mayor and Council of Princeton Authorizing a Sewer Billing Adjustment, \$1,383.50 For Block 802, Lot 1.1304 QL-C090, 90 William Patterson Court
- 4. Release of performance guaranty in the amount \$52,446.00 for 343 Snowden Lane (Block 5705 Lot 10) Minor Subdivision to Roycefield Real Estate, LLC. No maintenance guaranty required.
- 5. 16-260 Resolution of the Mayor and Council of Princeton Authorizing A Professional Service Agreement With Harrison-Hamnett Consulting For The Purpose Of Providing Expert Testimony On Applications For the Planning Board, Not To Exceed \$2,500.00
- 6. 16-261 Resolution of the Mayor and Council of Princeton Authorizing a Professional Services Agreement for Herbert, Van Ness, Cayci & Goodell, P.C., increasing the not to exceed amount sum of an additional \$7,500.00, to be added to the previously approved not to exceed amount of \$26,500.00 billed at the hourly rate of \$165.00 per hour plus out of pocket expenses.

7. 16-262 Resolution of the Mayor and Council of Princeton To Affirm Princeton's Civil Rights Policy With Respect To All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, And Members Of The Public That Come Into Contact With Municipal Employees, Officials And Volunteers
8. 16-263 Resolution of the Mayor and Council of Princeton to Require Verizon to Complete Fiber Installation
9. 16-264 Request for Banner Over Washington Road, The Princeton Police Department, The Princeton Engineering Department and Greater Mercer TMA Announcing the Street Smart Campaign, October 3-10, 2016
10. 16-265 Request for Banner Over Washington Road, The Historical Society of Princeton, Announcing Their Annual House Tour, October 24-31, 2016.
11. 16-266 Request for Banner Over Washington Road by Voices Announcing Their Christmastide Concert, December 12-19, 2016
12. 16-267 Resolution Approving Junior Firefighter Membership for Ziad Bouzaiene-Ayari

XVI. ADJOURNMENT

There being no further business the meeting was adjourned at 10:50 p.m.

Linda S. McDermott
Municipal Clerk

RONALD C. NIELSEN
14 Humbert Street
Princeton, NJ 08542
R_Nielsen@verizon.net

September 12, 2016

Princeton Mayor and Council
Princeton, NJ 08540

Re: Tree Removal Ordinance at September 12, 2016, Public Hearing

Dear Mayor and Council:

The proposed revised Tree Removal Ordinance, ostensibly drafted to discourage developers from clearcutting lots in order to construct McMansions, may have the unintended consequence of causing greater expense and difficulty for existing homeowners.

It is certainly true that homeowners generally get charged higher prices than developers, building contractors, and real estate agents for work on houses. The reason is simple. Contractors, including tree surgeons, have to be competitive if they want the repeat business that developers offer, while a homeowner will probably hire a contractor just once, giving the contractor no incentive to be competitive.

An increase in fees, as now proposed, will not deter developers from cutting down the trees because they have low tree replanting costs, and the fees can be immediately recovered when the developed property is sold. For an existing homeowner, such expenditures are unrecoverable sunk costs.

In my case, a property adjacent to my home has two spruce trees, each about 70' tall, double the height of my home (Figure 1 overleaf). The nearest tree is about 19' from my home, and the other, about 24'. The upper halves of the trees exposed above the 35' neighborhood roof lines catch more wind each year as they grow, and the lower parts of the trees are exposed to the northwest. During winter storms with their characteristic northwest gales, the trees bend toward my home. As a result, in recent years the trees have begun to tilt towards my home (Figure 2 overleaf). I regard this as a danger.

I discussed this problem with my neighbors before they recently passed away, but they were unwilling to submit an application to deal with the trees because of the bureaucratic paperwork and fees involved. I even offered to pay the fees and contribute to the cost of the tree surgeon, but they did not want the paperwork hassle. The property is now in estate limbo, with no new owner.

The proposed changes to the Tree Removal Ordinance will only add to the cost and hassle. In my case, I see the danger but cannot proceed proactively. Apparently the trees must first be blown down, at risk to my life and property, before our town will give us permission to act. Please revise this proposed ordinance to allow for the prompt, easy and reasonably-priced resolution of cases such as mine. In particular, the term "imminent danger" in Sec. 22-12 (a) is too restrictive.

Yours truly,



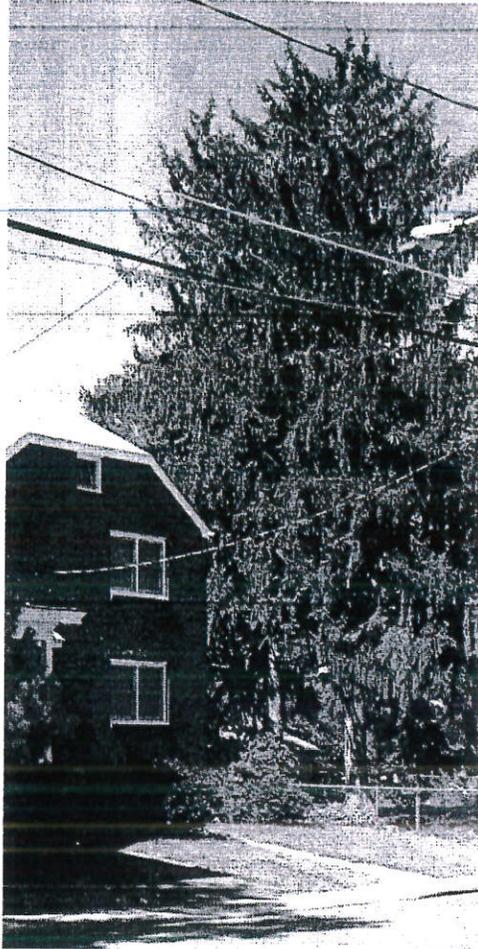


Figure 1. Trees are twice as tall as the house (9/12/2016)



Figure 2. Tree tilts toward my home (9/12/2016)