

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
May 10, 2011
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Kevin Wilkes, Councilwoman Jo Butler,
Councilwoman Jenny Crumiller, Councilman David Goldfarb,
Councilman Roger Martindell, Councilwoman Barbara Trelstad, Mayor
Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Assistant Borough Attorney
Henry T. Chou, Deputy Borough Clerk Delores A. Williams

Mayor Trotman called the meeting to order at 7:00 P.M. and read the open public meetings statement as follows:

“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of May 10, 2011, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file in the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”

Mayor Trotman read **Agenda Item C, Resolution 2011-R139**, as follows:

**RESOLUTION 2011-R139
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON MAY 10, 2011**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public forum from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances may presently exist; and

WHEREAS, the Governing Body wishes to discuss the following issues:

1. Negotiations

WHEREAS, minutes will be kept and once the matter involving confidentiality of the above no longer requires that confidentiality, then minutes can be made public; and

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

Councilwoman Trelstad moved to approve; Councilman Martindell seconded. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

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Councilman Goldfarb recused himself from the closed session.

Borough Council recessed into closed session.

At 7:35 P.M. Council reconvened into open session.

Councilman Goldfarb returned to the meeting.

Mayor Trotman asked all present to rise for **Agenda Item D, Salute to the Flag.**

Mayor Trotman read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of April 12, 2011.

Councilwoman Trelstad moved to approve the minutes of the open session of April 12, 2011, Councilman Goldfarb seconded with a correction, and Council approved unanimously.

Mayor Trotman tabled all ordinance introductions (2011-05 through 2011-09) from today's agenda, to be rescheduled at the direction of Borough Engineer John M. West.

Mayor Trotman read **Agenda Item F, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda. Mayor Trotman explained the five-minute limit for public presentations; no dialogue with Council members is permitted during this portion of the agenda. If so indicated, Council will take action at a later date.

Jeffery Clarke, 56 Balcort Drive in Princeton Township, stated that Princeton and all of central New Jersey is already a transit hub with flyovers of commercial jet aircraft approaching Newark Liberty. The Federal Aviation Administration's plan is intended to increase the efficiency and reliability of air space structure and traffic control system. Mr. Clarke is particularly concerned about noise which he anticipates will increase by 3.5 to 3.8 decibels over Mercer County. Mr. Clarke asked Council to approach, through Governor Christie's office, the Port Authority of New York and New Jersey to reconsider the proposed holding pattern over Princeton. He provided written handouts.

Seeing no one further from the audience, Mayor Trotman closed the public portion.

Mayor Trotman read **Agenda Item H, DISCUSSION (1) — TRANSIT**

a) Draft Memorandum of Understanding (MOU) – Areas of agreement between Princeton University and the Municipalities of Princeton Borough and Princeton Township in regard to the Arts and Transit proposal.

Mayor Trotman announced that—in response to a public discussion among Princeton Borough, Township, and Princeton University on January 31, 2011—a task force was formed to resolve disputes about the Dinky and draft a Memorandum of Understanding among the three parties.

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The task force was comprised of Bob Durkee and Kristen Appleget of Princeton University; Chad Groener and Bernie Miller of Princeton Township; and Kevin Wilkes and Roger Martindell, Borough Council members.

Councilman Goldfarb recused himself at 7:44 P.M.

Mayor Trotman described the format for the Transit discussion: Review of the MOU from Messrs. Wilkes and Martindell, comments from Assistant Borough Attorney Henry Chou, questions from Council, citizen committee plea for the Dinky, and remarks from the public.

Council President Wilkes described the MOU (presently an unsigned draft document) as outlining areas of agreement between Princeton University and the municipalities regarding the Dinky and Trains. MOU addresses the New Jersey Transit (NJT) Princeton branch known as the Dinky:

- Immediate needs of station and commuting public
- Future station location and conditions for removal
- Long-term transit in the community.

Mr. Chou noted that talks on Borough zoning ordinance 2011-04 are separate but contemporaneous with MOU, which will only go into effect if Joint Planning Board grants final site plan approval for Arts and Transit proposal.

Council President Wilkes stated that Princeton University did not intend to honor MOU commitments without approval for their Arts and Transit complex. He explained that the MOU addresses issues not considered for zoning—for example, parking standards and requirements are zoning topics, whereas train service schedules and status / uses of the present station building are not.

MOU item 1: Princeton University will open the present (North) station five hours each weekday morning—with services, amenities, and improvements as agreed—to be maintained by Princeton University and/or New Jersey Transit until (1) discontinuance of train service or (2) six months without Joint Planning Board approval of final site plan for Arts and Transit.

Councilman Martindell interjected that this resulting MOU is the best negotiation possible with Princeton University. He stressed that there is no mandate for action, especially for cooperation from New Jersey Transit.

MOU item 2: Off-peak and weekend Dinky service.

MOU item 3: Work with local merchants to promote Dinky ridership through discount and coupon offers.

MOU item 5: Princeton University will not move station again (farther south) as long as heavy rail exists.

MOU item 6: Increase ridership with attractive new station, better access, and new destinations (such as arts programming, community programming, retail venues).

MOU item 7: Tiger Transit schedule to accommodate Dinky riders. Launch new community loop shuttle with \$10,000 from Princeton University.

MOU item 8: Amenities for new (South) station.

MOU item 9: Station plaza for parking cars.

MOU item 10: Mixed-use neighborhood on Alexander in Township.

Council President Wilkes said the MOU will establish a six-member transit task force to identify future ideas: (1) an improvement district to administer mass transit needs and (2) long-term needs and service to Nassau Street. Task force research will be funded as follows:

- 50% Princeton University
- 25% Princeton Borough
- 25% Princeton Township

Task force scope will cover a light rail system and include:

- Vehicle types
- Routes
- Other options
- Schedules
- Electrical distribution
- Solar power
- Stations
- New Jersey Transit involvement
- Development opportunities
- Ridership
- Northeast corridor connections
- Ticketing
- Pedestrian conflicts
- Vehicular conflicts
- Partnership with West Windsor Township.

Council President Wilkes reported that Princeton University will fund the task force with an initial, one-time donation of \$250,000.

The MOU contains a commitment from Princeton University to provide an easement for permanent, perpetual right of way exclusively to permit and enable light rail *or other* mass

transit. As well, the municipalities commit to provide rights of way on public-owned property plus requisite approvals and permits.

Council President Wilkes summarized that MOU establishes a “floating” right-of-way concept—determined for use but not specific as to locale—pending task force research results and recommendations.

Council President Wilkes stated that the final eight paragraphs of the MOU address enforceability, consequence, and meaning as agreed by all parties’ attorneys.

Councilman Martindell complained a lack of mandate and metrics in the MOU. He said (quoting a *Daily Princetonian* article from 1978) history demonstrates plans for the Dinky station that never came about.

Council President Wilkes argued that MOU contains repeated conditions that Borough, Township, and Princeton University will cooperate to do *something*. He called the MOU an optimistic document.

Councilwoman Crumiller commented that the Free B is, essentially, empty during peak Dinky hours. She wondered how a non-peak shuttle might be successful. Councilwoman Crumiller was reluctant to relinquish the Dinky station in favor of an unknown transportation alternative.

Councilwoman Crumiller thought the new Dinky location, surrounded by parking lots and driveways, was not pedestrian friendly.

Councilman Martindell noted that Princeton University owns the present station; Princeton University will abandon the building and move the station—with or without Borough consent. Councilwoman Crumiller countered that New Jersey Transit owns the right of way. Councilwoman Crumiller, citing a 1984 contract, said New Jersey Transit has the right to run the train and operate the station *on that land*. Councilman Martindell was certain that Princeton University owns the building and the land under it.

Councilwoman Butler worried that most of the benefits of a new station location (plus Wawa and parking) flow to Township, while costs are assumed by Borough (walkers). Councilwoman Butler opposed conducting a vote on MOU today.

Councilwoman Butler also referred to the 1984 contract, noting that listed improvements (under paragraph 15, Station Facilities) were never made or were temporary. She expressed other concerns including loss of heavy rail and traffic jams on Alexander Street. Councilwoman Butler thought a study will be moot if conducted after Princeton University invests in constructing a new station. Councilwoman Butler pointed out a lack of information—such as taxes from Wawa and parking lot or New Jersey Transit opinion on maintenance of Dinky line.

Councilwoman Trelstad thought the community should examine the entire redevelopment plan proposed by Princeton University for the Alexander corridor—including, for example, Hibben/Magie graduate student housing and mixed use at lower Alexander.

Councilwoman Butler observed that the 450 million Federal dollars dedicated to improved high-speed rail service between New Brunswick and Trenton will be a boon to the Princetons if Dinky ridership is maintained. She thought Princeton University has “saved the Dinky for us” by making the community even more attractive

Councilman Martindell repeated Princeton University’s unilateral intention to move the station regardless of any zoning or other action by Princeton Borough and/or Princeton Township.

Representatives of “Save the Princeton Dinky” (SPD)—Anita Garoniak, Carlos Rodriguez, and Alan Kornhauser—updated Council on the status of signers (Borough residents, Township residents, PU employees and students, and commuters) of a petition asking PU to reconsider moving the Dinky station. Save the Princeton Dinky sought advocacy from Borough Council.

Mr. Rodriguez stated that Princeton University has done “a masterful job . . . of cloaking the real issues.” He said the real estate matter is completely separate from development of the Arts and Transit. Mr. Rodriguez recounted that New Jersey Transit had sold 2.3 acres (a few hundred feet of right of way, two station buildings, and the station plaza) to Princeton University. Princeton University’s reason to move the station is to build on that land. He called private building on a railroad right of way a “spectacular” public policy mistake.

Mr. Rodriguez said the goal should be moving the transit hub *toward* the population; farther yields fewer walkers and more drivers. Mr. Kornhauser calculated that 24% of walking ridership will be lost with the station one-quarter mile farther away.

Mr. Rodriguez noted that the only people who take the train from New York to arts events in Princeton are the artists themselves and a few critics. He was certain that an arts complex will not increase Dinky ridership; uses that generate ridership (such as housing) should be developed at that location. Mr. Rodriguez suggested Borough create a separate zoning area for transit-specific uses (to include the station and right of way). Mr. Rodriguez doubted that Princeton University would invest in a new station if there were no possibility of building on the site of the old one—all Princeton University draft plans show buildings on the right of way.

Mr. Kornhauser observed that the MOU is predicated on removal of the Dinky terminus to a more southern locale. Mr. Kornhauser offered ideas best for the community: (1) Dinky terminus *not* be farther from Nassau Street than presently; (2) return Dinky terminus to pre-1985 passenger building; (3) extension to Nassau Street must remain possible. Mr. Kornhauser reported that Princeton University has neglected to provide any compelling reason for moving the station.

Mr. Kornhauser listed community options to control town’s destiny:

- Surface Transportation Board might have jurisdiction regarding abandonment of freight service (1984 contract)
- *New Jersey Transit* (seller) has right to move stations at expense of Princeton University (buyer)

- \$900,000 (approximate purchase price) allowed Princeton University to move passenger functions to 1984 freight depot at the end of the platform
- *Daily Princetonian*, November 9, 1984: “‘One proposed change is that the passenger station be moved to the baggage facility which is south of the current station Only one of the buildings needs to be used for the Dinky,’ Durkee said.” He emphasized that Princeton University had no formal plans.
- New Jersey Transit must have a public hearing on benefits of moving the station
- Through eminent domain, Borough repurchase Dinky right of way—bad public policy for disinterested private entity to own assets critical to delivery of public services; in particular, mobility for all
- Create a name such as Princeton Community Transportation and Parking Authority (PCTPA), with condemnation rights through eminent domain
- Award Dinky operation to corporate partner

Councilwoman Butler questioned interpretation of the 1984 contract as applied to the proposed move and interruption of service. She feared the signed MOU could work against Borough in Princeton University talks with New Jersey Transit. Mr. Chou confirmed that the MOU does *not* say Borough agrees to the move.

After a show of hands from intended speakers in the audience, Mayor Trotman limited each talker’s time to three minutes.

Mr. Durkee reiterated that, *if* the project goes forward, the following will happen:

- Commitment of no further movement
 - Commitment that Tiger Transit will meet trains
 - Contribution to the coordination initiative
 - Half the cost of the task force
 - \$250,000 in trust funds
 - Right of way
- If the project does not go forward then it would be moot

Mr. Durkee clarified some misunderstood facts:

1. Princeton University will assume responsibility for operating (as well as maintaining, per current contract) the Dinky.
2. New Jersey Transit moved Dinky terminus—not requested or actually moved by Princeton University under 1984 contract—clearly permissible now, as confirmed by New Jersey Transit.
3. Zoning for transit use would prohibit retail functions in standing depot buildings.
4. Princeton University committed to Dinky on behalf of their riders.

Anne Neumann, 22 Alexander Street, said *Princetonian* should be “radicalized” by the inadequacy of Princeton University’s pilot payment, not the location of the Dinky station.

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Mayor Trotman declared Ms. Neumann out of order with her protest that it is not within Mayor Trotman's purview to limit comments.

Travis Linderman, 43 Palmer Square West, noted a salient point of disagreement among the negotiators—50- versus 100-year life for the right of way. He asked:

1. When was the 100-year option introduced?
2. What were the arguments for each term?
3. Is MOU a draft because of the term?
4. What did each Borough representative favor?

Mr. Linderman ceded his remaining time to Councilmen Martindell and Wilkes.

Councilman Martindell replied that length of option was near the final topic to discuss. Princeton University was adamant that the term be 50 years; not a deal-breaker for Councilman Martindell.

Janet Wolinetz, 35 Bainbridge Street, supported Mr. Kornhauser and Mr. Rodriguez. Princeton University should markedly increase its pilot to compensate Borough for the inconvenience to its citizens of a train station farther removed from downtown. She asked Council to reject the MOU until the pilot is specifically addressed.

Peter Marks, 107 Moore Street, thanked Councilwoman Crumiller for persistence, Councilwoman Butler for observations, and Councilwoman Trelstad for anticipation. He commended Mr. Kornhauser's idea for Borough to purchase the Dinky tracks back from Princeton University. He recommended making it impossible (or unreasonably expensive) for Princeton University to build within city limits.

Louis Lee, Spruce Street, asked if it is economically feasible and practical for Council to continue fighting Princeton University.

Yina Moore, 19 Green Street, said the MOU lacks structure and does not reveal a common understanding of anything among the three participating drafters. She offered wording to define the basis for planning mobility decisions.

Jim Hartford, Jr., Township, supported Point 12.2 of the MOU; that is, long-term transit needs. He recommended putting the train under ground with surface access by foot.

Carolyn Wass, 118 Snowden Lane, who works in New York, favored the new Dinky location as of small impact to commuters. She beseeched Council to work with PU on their plans for Arts and Transit, an enhancement of Princeton life.

Chip Crider, 22 Bank Street, wondered why pay for a study when the conclusion is already laced throughout the MOU. He thought the negotiation team should consist of four citizens, all of whom are global thinkers. Mr. Crider thought Borough should seize the opportunity to push public transport into the future.

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Ted Mills, 35 Quarry Street, noted the national context of Princeton University's plans—in particular, arts and culture programs are struggling for survival.

Ronald Nielsen, 14 Humbert Street, wanted to declare the Dinky station a historical site. He asked if Princeton University's charter includes for-profit endeavors such as retail and housing.

Lucy Harman, 106 Broadmead Street, observed that full-time workers and younger families do not visit New York City every week for entertainment. She designated today's Alexander Street a "wasteland." Ms. Harman pointed out that the distance from train to street in Penn Station New York is a longer walk than to the new Dinky site.

Andrew Erlichson, 144 Hodge Road, commended Princeton's intellectual atmosphere, resources, and accomplished residents. He said that removal of the station makes Borough less green, less walkable, and more isolated. Mr. Erlichson stated that, if public transportation is not *extremely* convenient, people will not use it.

Mimi Omiecinski, 98 Nassau Street, was excited by the MOU, especially Princeton University parking and riding information.

Teri McIntire, 37 Dempsey in the Township, mentioned that the majority of all taxpayers are unable to attend public meetings at 7:30 P.M. She noted that Council is working in a vacuum with comments from such a small group of voters.

Henry Vega, 35 Quarry Street, was a grateful commuter to Philadelphia. He was enthusiastic about an arts complex coming to Princeton.

Richard Bowman, two-year Township resident, offered an outside perspective: Two lifelines to the universe are Princeton University and the Dinky. He wanted to preserve both.

Cathleen Carroll, 167 John Street, does not own a car. As Princeton University did, Borough should approach New Jersey Transit with its position on transportation needs.

Rodney Fisk of New York City (formerly of Birch Avenue and an ex-Councilman) noted the wide consensus that the proposed location near McCarter is ideal for an arts campus. He thought a safe, light rail line running through the pedestrian plaza and connecting to Nassau Street would be a great compromise. Mr. Fisk favorably compared light rail service frequency to frequency of trains.

Shelly Kiernan of Princeton Junction asserted that the charm of the Dinky should be preserved.

Elizabeth Bates, 298 Nassau Street, 50+ years a commuter, related Dinky ridership to broader transportation needs: Expansion, high rail choices, new hospital site, Suburban Transit. She feared many of the populations in the community are not being served with appropriate public transit.

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Kip Cherry, 24 Dempsey Avenue, agreed that it is time to talk to New Jersey Transit. She also agreed that this is the time and place to employ eminent domain. Ms. Cherry stated the importance of being connected to the main rail line. (She cited the explosive growth of West Windsor, which is on the main line.) Ms. Cherry asked Princeton University to reveal their anticipated cost in removing track and building a new station.

Joel Schwartz, One Armour Road, speaking as an architect and planner, said the station should be within eyesight of a public street (or designated public area). Making the station “invisible” to the public is reason enough to reconsider the idea.

Seeing no one further, Mayor Trotman closed the public commentary and returned to Council for remarks. Mayor Trotman announced that she has invited Mr. Posner to address Council during the May 24, 2011, meeting.

Councilman Goldfarb returned at 10:40 P.M.

Councilwoman Crumiller said progress can be quick if Princeton University will agree to leave the tracks and present station—a win-win for the town and Princeton University.

Mr. Chou reminded that *Dinky* and *zoning* are separate issues. He said negotiations with Princeton University for a larger pilot can be on multiple terms.

Councilman Martindell thought moving the Dinky was most certainly bad for the community. Councilman Martindell presented a list of issues:

1. 1984 agreement—Borough, at best, a third-party beneficiary with no enforcement power
2. Eminent domain (condemnation)—lesser municipality cannot condemn a State agency
3. Creation of an *authority* (i.e., Princeton Community Transportation and Parking Authority)—good idea over time; not for short term
4. Rezone for rail use—evadable through variance; possibly viewed as very hostile act
5. Princeton University is not a private developer or a stranger to the town, but a big player in the community.

Councilwoman Trelstad stated reasonable people can work together toward what is best for all.

Councilwoman Butler hoped to discuss the Alexander corridor and connectivity to Princeton Junction, Route One, and New York City. She was concerned about a train station on Alexander and traffic ramifications.

Mayor Trotman promised further discussion on May 24, when Mr. Posner will make his presentation.

Mayor Trotman read **Agenda Item I, Bill List for May 10, 2011 — Resolution 2011-R140** as follows:

**RESOLUTION 2011-R140
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

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APPROVING THE MAY 10, 2011 BILL LIST

WHEREAS, Finance Officer Sandra L. Webb has forwarded the bills received for payment by the Borough of Princeton for review and approval by the Mayor and Council; and

WHEREAS, the Borough Clerk has certified that the vouchers listed on the attached register are as follows:

CURRENT ACCOUNT (11-01)	3,840,365.32
RESERVE ACCOUNT (10-01)	1,993.07
PARKING UTILITY OPERATING FUND (11-05)	7,892.54
PARKING UTILITY OPERATING FUND (10-05)	
AFFORDABLE HOUSING OPERATING ACCT (11-24)	28.64
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (11-11)	
CAPITAL ACCOUNT (C-04)	38,642.49
PARKING UTILITY CAPITAL FUND (P-06)	15,275.03
ESCROW (E-30)	
TRUST FUND (T-13)	2,449.68
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	2,798,252.73
ASSESSMENT TRUST FUND (11-11)	
ANIMAL CONTROL TRUST (A-14)	
GRANT (G-02)	784.98

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list as presented.

Councilwoman Trelstad moved to approve Resolution 2011-R140, Councilman Martindell seconded, and Council approved five to one. Councilman Goldfarb was opposed.

Council President Wilkes moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 10:45 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk