

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
June 8, 2011
Regular Meeting
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, Borough Engineer John M.
West, Land Use Development Official Derek Bridger, Fire Official
William Drake, Planning Board Director Lee O. Solow, Borough Clerk
Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:30 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 June 8, 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 asked all present to rise for **Agenda Item C, Salute to the Flag.**

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

Presented for approval were the minutes of the open session of May 3, 2011, which Council unanimously approved.

Mayor Trotman read **Agenda Item E, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda.

Councilman Martindell congratulated Yina Moore on her victory in the primary mayoral election. He thanked Councilman Goldfarb for his invaluable service to Princeton Borough spanning 20 years and hoped Councilman Goldfarb would continue his contribution to the town through active participation in consolidation measures.

June 8, 2011

Councilwoman Trelstad reported Public Works' intention to return to affected residents of Scott Lane and Bainbridge Street with two proposals: The plan from May 18, 2011, and a new idea from Assistant Borough Engineer Robert Pagan about removing the sidewalks.

Councilwoman Butler announced opening of Community Park Pool for two afternoons during the heat wave. She warned citizens about rabid baby raccoons near Johnson Park School.

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

Mayor Trotman read **Agenda Item F, Discussion (1) — Princeton Shuttle Line (Dinky) Services / New Jersey Transit (NJT) – Thomas Clark - Regional Manager Government & Community Relations.**

Councilman Goldfarb stated his intent to participate in discussion of Dinky, a vital transportation link for the community. He will recuse himself when talks turn toward Arts and Transportation (AET) neighborhood.

Council President Wilkes introduced Thomas Clark, who said NJT considers itself a member of the Princeton community. Mr. Clark presented colleagues present in the audience: John Leone, Senior Director for Government and Community Relations; Kevin O'Connor, General Manager for Rail Operations; Paul Wyckoff, Chief of Government and External Affairs; and Steve Santoro, Assistant Executive Director for Capital Planning.

Mr. O'Connor reported an incident of failed braking today at Princeton station that resulted in two minor injuries to passengers. Replacement service (buses—approximating the Dinky schedule) is operating; normal service will resume during rush hour tomorrow morning.

Mr. Clark said that Dinky fares total \$977,000 and operating costs are \$1.8 million, with about \$0.8 to \$0.9 million in subsidies. Ridership is roughly 1000 people per week day. Mr. Clark stated NJT's core mission is to support and increase mass transit.

Councilwoman Trelstad asked why NJT approved moving the station farther from downtown's population center. Mr. Clark replied that Princeton University (PU) has the *legal, binding right to move the station* under the 1984 purchase contract. In NJT's opinion, moving the station will not interfere with train operations and NJT's core mission; proposed enhancements and amenities will provide value and increase Dinky ridership.

Councilwoman Butler stated that the station move mentioned in the 1984 contract already took place when the station was relocated to its current spot.

Councilman Goldfarb questioned Dinky ridership as a revenue component of Northeast corridor rail service.

Mr. Clark stated that NJT has *absolutely no intention* to stop Dinky service. He said the Dinky is unique—the only rail shuttle in the state and the shortest in the country.

Mr. Leone reported that the Dinky is doing better, financially, than the overall statewide system. He was confident that doing nothing to enhance the line would not increase ridership; in fact, it might tail off. He noted that some inconvenience is inevitable—NJT planners have calculated that the big economic development opportunity will increase ridership with marginal impact on present users.

Council President Wilkes requested a copy of NJT planners' analysis. Mr. Leone agreed to provide the information.

Council President Wilkes read correspondence from NJT's chief finance officer in 1984 to then-Mayor Barbara Sigmund regarding the transaction with PU—in particular, that perpetuity of Dinky service cannot be guaranteed.

Councilman Martindell asked why NJT believes the \$300 million PU AET development (with station amenities) will increase Dinky use. Mr. Clark responded that history proves that increased activity in the vicinity of a train depot results in additional riders.

Councilman Martindell, observing that the number of parking spaces will maintain at the new location, wondered how to accommodate the extra cars from additional riders. Mr. Clark encouraged Borough to cooperate with PU to resolve parking issues.

Councilman Martindell asked Mr. Clark to provide a copy of the deed (circa 1971) originally surrendering the property to NJT (then ConRail) from Penn Central. Mr. Clark agreed.

Councilwoman Crumiller repeated the planning maxim that as walking distance to transit increases, transit use decreases. Mr. Clark indicated that increased ridership resulting from station enhancements will replace lost riders who no longer walk to the train.

Council President Wilkes again cited correspondence to Mayor Sigmund.

Mr. Wyckoff stated that NJT, as a corporation of the state, is represented by the Attorney General's office. The AG's opinion is that the 1984 agreement as amended in 1996 gives PU the right to instruct NJT to move the station at PU's expense.

Council President Wilkes asked to see the NJT/PU formula for ascertaining appropriate parking needs.

Councilwoman Butler was surprised at the lack of research and projections to date. She foresaw the "death of the Dinky." Councilwoman Butler thought the difficulties entailed in accessing the new depot will probably result in commuters abandoning the Dinky altogether and driving directly to Princeton Junction. She pointed out that PU is *choosing* to move the station—it could remain, with development occurring as well.

Mr. Wyckoff stated that the topic of the Dinky station will not go before NJT's Board of Directors since there is an existing contract that (according to the AG) is binding.

June 8, 2011

Councilwoman Crumiller requested, on behalf of Princeton citizenry, a written opinion from AG.

Mr. Clark declared that no public hearing is required prior to moving the train station. Council President Wilkes noted that Borough is losing rail service with relocation of the depot to Township; therefore public discussion is indicated. Council President Wilkes wondered if NJT will conduct an environmental assessment. Mr. Santoro said environmental assessment is necessary only in case of government funding.

Council President Wilkes asked why NJT denied PU's request for a rail grade crossing. Mr. O'Connor replied that grade crossings insert an element of hazard (to vehicles and pedestrians) and should be eliminated whenever possible.

Councilman Goldfarb recused himself from discussion of Ordinance 2009-10 at 9:05 P.M.

Mayor Trotman read by title **Agenda Item G, New Business (1) — Introduction and Order to Publish: Ordinance 2011-10, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974 TO CREATE A NEW ZONE DISTRICT TO BE KNOWN AS ARTS, EDUCATION AND TRANSIT (AET) ZONE.**

Mayor Trotman stated that Ordinance 2011-04 was introduced on May 3, 2011, and sent to Planning Board. Ordinance 2009-10 replaces 2011-04 and contains Borough Council amendments and discussion items from May 3.

Councilwoman Trelstad moved to introduce Ordinance 2009-10; Councilman Wilkes seconded.

Borough Administrator Robert Bruschi stated that there are advertising and notification requirements to contiguous properties when a zone designation or boundary is changed. The plan is to conduct public notice for Ordinance 2009-10 only once. Mr. Bruschi described changes to Ordinance 2011-04 that resulted in contents of Ordinance 2009-10.

Councilwoman Crumiller requested amending Ordinance 2009-10 to include a rail-only transit zone. Mr. Bruschi suggested the concept be presented to PU for comment. Councilwoman Crumiller thought consulting PU first was "delaying the inevitable." She said her proposed language does not impede PU's development plans.

Councilwoman Crumiller moved accordingly and Councilwoman Butler seconded.

Councilman Martindell was uncomfortable supporting Councilwoman Crumiller's amendment so quickly. He pointed out the comprehensive, complex, delicate—and contentious—nature of negotiations with PU about AET.

Councilwoman Trelstad wanted Council to feel collaborative—not contentious—during talks with PU.

June 8, 2011

Mr. Bruschi recommended drafting a separate ordinance—to be submitted to Planning—for a distinct rail zone.

Mayor Trotman called the question on whether to ask staff to prepare an ordinance for a rail zone. Council agreed unanimously five to zero.

Mayor Trotman opened discussion on Ordinance 2009-10.

Councilman Martindell asked if PU has agreed to all items in Ordinance 2009-10. Mr. Bruschi replied that it had.

Councilman Martindell stated his intent to recommend substantially more parking—whether Borough or Township—in order to promote increased ridership. Planning Board Director Lee O. Solow and Council members discussed a number of parking issues including site, minimum number of spaces, and so forth.

Councilwoman Butler warned about the danger of “time of decision” rule and said Council must fine-tune zoning as much as possible to avoid future bad decisions.

Councilman Martindell proposed hiring special counsel for advice on zoning matters.

Mr. Solow explained permitted uses and related activities listed in Ordinance 2009-10. He said if an activity or use is not named, it should be considered excluded.

Council President Wilkes recommended striking “office” functions that are not related to education.

Councilwoman Butler mentioned negative traffic impact from child care facilities. She envisioned Alexander Street becoming a four-lane highway.

Mr. Solow said fine details (such as drop-offs, loading zones, day care) are better left to Planning, rather than Council, for consideration and advice as to safety issues.

Council President Wilkes wondered how closely Borough and Township ordinances agree. Mr. Solow thought compatibilities were 80-90% of total contents. Council President Wilkes commended Township’s RMU designs for parking and hoped Borough could replicate the plan for a uniform streetscape.

Councilwoman Trelstad questioned specificity of the new performance hall shape. Mr. Solow responded that Planning was being *collaborative* with PU in allowing this specific shape.

Councilwoman Crumiller recommended signage inviting people to enjoy public plazas. Mr. Solow thought PU might have some liability concerns.

Councilman Martindell wanted to change the name of the Ordinance 2009-10 to E-5 from AET because the *arts* part is an educational initiative and the *transit* part is not community-friendly. He said we should call it *what it is* and not *what someone is selling*.

Mayor Trotman invited comment from PU representatives present in the audience.

Robert Durkee, PU Vice President, offered: (1) parking **garage** included at Borough's request, (2) better to include **child care** as a use and not actually implement it, (3) **office buildings** not desirable from PU perspective, (4) more **parking** capacity.

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

Kip Cherry, 24 Dempsey Avenue in the Township, questioned placement of a pub in the district as inappropriate. She requested a formal application to NJT for future Dinky ridership predictions and a written opinion from New Jersey AG on the platform as outlined in the 1984 agreement. Ms. Cherry emphasized ease for commuters.

Peter Marks, 107 Moore Street, suggested asking NJT to list components of the \$1.8 million annual operating cost for the Dinky. He also wanted an estimate of income (taxes) to New Jersey at the conclusion of the \$300 million development project.

Jim Hartford, Township, wanted NJT to restore 100 feet of track to pre-1984 terminus.

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

Councilman Martindell listed changes to be accomplished immediately:

- C3—Delete office buildings
- C2—Add “generally complementary to visual and performing arts”
- B5—“Especially windows and landscaping”
- Change AET to E-5 throughout
- E—public access signs.

Council President Wilkes observed that right-of-way setback and parking design guidelines must be coordinated with Township's ordinance.

Rich Goldman, attorney for PU, clarified that any retail store or restaurant need not be *complementary to visual and performing arts*. Council President Wilkes stated that the regulation in C2 was too permissive. Mr. Goldman defended PU's history as a responsible and decorous neighbor.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with Planning to evaluate and advise.

June 8, 2011

Mayor Trotman read by title **Agenda Item G, New Business (2) — Introduction and Order to Publish: Ordinance 2011-11 BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE SANITARY SEWER SYSTEM ON WESTERLY ROAD AND ELM ROAD IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$29,500 THEREFOR, AUTHORIZING THE ISSUANCE OF \$28,025 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.**

Councilwoman Trelstad moved to introduce Ordinance 2009-11; Councilman Wilkes seconded.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held June 28, 2011.

Mayor Trotman read by title **Agenda Item G, New Business (3) — Introduction and Order to Publish: Ordinance 2011-12 AN ORDINANCE SUPPLEMENTING CHAPTER 14 OF THE CODE OF THE BOROUGH OF PRINCETON, 1974 REGARDING BURGLAR ALARMS.**

Councilwoman Trelstad moved to introduce Ordinance 2009-12; Councilman Martindell seconded.

Councilwoman Trelstad noted lack of false alarms covered in Ordinance 2009-12. Council President Wilkes stated the difficulty of defining false alarms that residents may have thought to be real. Fees were established under a formula including average alarm calls, police factor, and number of alarms to be registered.

Councilman Martindell requested back-up data for the elements of the fee schedule and probable yield before approving Ordinance 2009-12.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held June 28, 2011.

Mayor Trotman read by title **Agenda Item G, New Business (4) — Introduction and Order to Publish: Ordinance 2011-13 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14 OF THE CODE OF THE BOROUGH OF PRINCETON, NJ 1974 REGARDING NUISANCE FIRE ALARMS.**

Councilwoman Trelstad moved to introduce Ordinance 2009-13; Councilman Martindell seconded.

Council President Wilkes announced that Ordinance 2009-13 sets a single fee and permits a single registration for dual—fire plus burglar—systems.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held June 28, 2011.

Mayor Trotman read **Agenda Item G, New Business (5) — Resolution 2011-R150** as follows:

**RESOLUTION 2011-R150
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
SUPPORTING LEGISLATION REQUIRING VOTER APPROVAL
PRIOR TO THE ESTABLISHMENT OF A CHARTER SCHOOL**

WHEREAS, more charter schools have been created by the New Jersey Department of Education in the past year; and

WHEREAS, the State intends to continue to increase the number of charter schools; and

WHEREAS, there is no criteria for charter-school formation and monitoring that is based on student academic performance in the home district or charter school; and

WHEREAS, local voters and local elected school boards have little or no say over the creation and tax-based financing of charter schools in their districts, and

WHEREAS, creation of a charter school in certain districts diverts funding from the regular public education program already limited by the 2% levy cap;

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Princeton supports legislation requiring voter approval at the annual school election, or by the board of school estimate, prior to the establishment of a charter school, and additional steps to incorporate local voter and elected school board opinion into chartering decisions;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to The New Jersey Department of Education, Senator Shirley Turner, Representative Reed Gusciara, Representative Bonnie Watson Coleman and the Regional Schools of Princeton

Councilman Martindell moved to table Resolution 2011-R150 and Councilwoman Trelstad seconded. At Mayor Trotman's request Councilman Martindell and Councilwoman Trelstad withdrew their motion and second. Mayor Trotman proclaimed Resolution 2011-R150 deferred to a later date.

Mayor Trotman read **Agenda Item G, New Business (6–8), and Agenda Item H — Resolutions 2011-R151, 2011-R152, 2011-R153, and 2011-R154**, as follows:

**RESOLUTION 2011-R151
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY
PRINCETON SUMMER THEATER**

WHEREAS, Princeton Summer Theater a non profit charitable organization community organization wishes to increase public awareness of their summer theater programs; and

WHEREAS, Princeton Summer Theater has requested permission to install a banner over Washington Road to announce these programs and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period

June 8, 2011

beginning Tuesday, June 21 through Tuesday June 28 with a second banner on Monday July 11 through Monday, July 18 2011; and

WHEREAS, these banners will be promptly removed after its use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2011- R152
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
CHAPTER 159- SPECIAL BUDGET ITEM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$12,882.20 is now available as a miscellaneous revenue anticipated from **“State of New Jersey – Clean Communities”** and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$12,882.20 be and the same is hereby appropriated under the caption of **“State of New Jersey – Clean Communities”**

**RESOLUTION 2011-R153
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING TAX REFUNDS**

WHEREAS, Sandra Webb, Chief Financial Officer has forwarded a list of residents for tax refund from the Borough of Princeton for review and approval by the Mayor and Council as follows:

<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Owner</u>	<u>Property Location</u>	<u>Amount</u>
41.01	18		Nassau Club	6 Green Street Princeton, NJ 08540	7,706.90

TOTAL TO BE REFUNDED \$ 7,706.90

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

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the CFO, Tax Assessor and Tax Collector.

**RESOLUTION 2011-R154
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

June 8, 2011

APPROVING THE JUNE 8, 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 a follows:

CURRENT ACCOUNT (11-01)	2,282,730.67
RESERVE ACCOUNT (10-01)	2,187.12
PARKING UTILITY OPERATING FUND (11-05)	220,682.52
PARKING UTILITY OPERATING FUND (10-05)	
AFFORDABLE HOUSING OPERATING ACCT (11-24)	857.50
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (11-11)	25,000.00
CAPITAL ACCOUNT (C-04)	2,419,846.95
PARKING UTILITY CAPITAL FUND (P-06)	6,600.00
ESCROW (E-30)	32,908.72
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	1,592,070.43
ASSESSMENT TRUST FUND (11-11)	
ANIMAL CONTROL TRUST (A-14)	
GRANT (G-02)	

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

Councilman Martindell moved to approve Resolutions 2011-R151, 2011-R152, 2011-R153, and 2011-R154; Councilwoman Trelstad seconded; Borough Council approved unanimously five to zero.

Given the lateness of the hour, Mayor Trotman suggested Council not resume closed discussions and Council agreed. There being no further business, Mayor Trotman adjourned the open session meeting at 11:15 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk