

These minutes not yet approved  
by Princeton Council.

**PRINCETON COUNCIL MEETING**  
**January 28, 2013**

The regular meeting of the Mayor and Council was held on this date at 7:00 p.m. in the Main Meeting Room in the municipal complex.

**PLEDGE OF ALLEGIANCE**

The audience participated in the Pledge of Allegiance.

**NOTICE OF MEETING**

The Clerk read the following statement.

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 January 18, 2013 at 2:00 p.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Trentonian, the Town Topics, and filed with the Municipal Clerk.

**ROLL CALL**

The Municipal Clerk then called the roll.

Present: Mesdames Butler, Crumiller Howard and Messers Liverman, Miller and Simon and Mayor Lempert.

Absent: None.

Also Present: Ms. Monzo, Mr. Kiser, Mr. Schmierer and Chief Dudeck.

**5:00 p.m. to 8:00 p.m. CGR – Joe Stefko, Priorities and Goals**

Mayor Lempert opened the meeting by welcoming back Joseph Stefko, Ph.D., President and Chief Executive Officer, Center for Governmental Research, (CGR). She said that the goal for this evening was to go through each item on the list and prioritize.

Mr. Stefko provided a summary report of the priorities to the governing body. Council then reviewed the priorities list.

#12 Governance, Administration and Communication: items that are issues and principals to be addressed in months one and two with ongoing enforcement. Mayor Lempert said that these are issues that can be picked up as we move along. Mr. Stefko said that there are different levels of specificity for issues that may not be calendared. Ms. Butler said that neither municipality turned around minutes as timely as she would have liked.

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Ms. Butler also talked about “dash boarding” and hoped that the Finance Committee would look into using this technique. Mr. Simon said that we’ve already had issues with some of these items. Ms. Crumiller said that there were many issues where IT was the heart of the matter. Ms. Crumiller also said that it may be overly ambitious to develop a ten year plan by the end of 2013.

#8 Planning, Zoning and Redevelopment: It was decided that most of these issues could be moved to ZARC. Ms. Crumiller said that there was an issue in accounting the open space and noted that people need to know what they are spending for open space.

#14 Parks and Recreation: Agendize for later in the year or beyond.

#18 Budget, Financial and Taxes: Ms. Crumiller said that budget transparency falls under IT. Mr. Simon said that Staff and Council takes care of these issues.

#15 Consolidation Process and Costs: Mr. Bruschi said that Princeton would be working with “Revelstone” tracking. Mr. Simon asked that items be run through Council for input.

#13 Garbage, Recycling and Organic Waste: Mr. Stefko said that these items were all in process. Council agreed that all items should be referred to the Public Works Committee.

#19 Economic Development: It was agreed by Council to have other groups oversee these items.

#20 Public Health and Inspections: Ms. Howard suggested that these items be referred to the Board of Health or Human Services and have recommendations developed at the Staff level.

#2 Police, Fire and Emergency Services: It was noted that some of the issues have already been undertaken. Ms. Howard said that the Public Safety Committee is already looking at these issues. Ms. Crumiller said that the size of the Police Department is a big issue and that we should bring in new hires at a lower level as it is anticipated that there will be retirements at the higher levels. Ms. Howard said that she would like to see a return to the Community Policing program. Ms. Crumiller said that she would like to see a monthly Police Report on the Council agenda.

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#1 Emergency Preparedness: Mr. Stefko said that these items tended to be more general and he felt that they could be added to the second part of the year. Mr. Simon said that people are anxious about the storm season. Mr. Miller said that he agreed with Mr. Simon and said that an Emergency Preparedness Plan is different than a State of Emergency Plan.

#5 Fees and Ordinances: Mr. Stefko said that there is a need for harmonization of rates. Mr. Bruschi said to move these issues up to the 2-4 month time frame so that the fees can be put on the books and utilized.

#17 Legal: Mr. Stefko suggested that Council establish a Legal Oversight Committee. Mr. Liverman asked if that would fall under the Personnel Committee? Mr. Bruschi said that he thought that would be the appropriate place to put it. Ms. Crumiller said that she would support that. Ms. Howard and Ms. Butler volunteered for the Personnel Committee and the Citizens Finance Advisory Committee.

#6 Personnel and Labor: Mayor Lempert and Mr. Bruschi said that all issues should go through personnel Committee. Ms. Butler and Ms. Crumiller said that they would like to see an updated organization chart for all personnel.

#7 Facilities and Equipment: Mayor Lempert said that the issue of the Valley Road School Building will be coming to Council shortly. Mr. Bruschi said that this is not a municipal or council decision and that it is a school board decision. Ms. Butler said that the School Board will be making a decision in April.

Richard Woodbridge, 681 Prospect Avenue said that he disagreed that the Valley Road School was not a Council decision. He asked that Council move this issue up “the emergency ladder” or we could be in litigation. Mayor Lempert reminded everyone that the Valley Road Building was owned by the School District.

#10 Historic Preservation: Mayor Lempert suggested that all these items be reviewed by the Historic Preservation Commission. Mr. Simon asked that other alternatives be reviewed. Mr. Miller said that he would benefit from being educated by the Historic Preservation Committee about the ordinance.

#11 Affordable Housing and Human Services: Mayor Lempert suggested that these items be referred to Affordable Housing and Human Services.

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#16 University Relations: Ms. Crumiller suggested that this issue be reviewed more carefully. Ms. Butler offered support to form a committee to see what other communities have done with this issue as she felt that Princeton could be doing more with our relationship with Princeton University.

Issues #21 Cell Towers, #22 Infrastructure and Sewers, #23 Walkability and Biking, #3 Public Transportation, #4 Senior Services and PSRC, #24 Sustainability, #25 Sidewalks, and #26 Miscellaneous items were referred to appropriate staff or boards.

Mr. Stefko said that he would memorialize the discussion and provide a master list to Administration and Council.

Council took a 15 minute break and returned at 8:30 p.m.

#### **COMMENTS FROM THE PUBLIC**

John Clearwater, 52 Governors Lane, spoke to Council regarding the Valley Road Building. He said that there was a problem with stewardship and responsibility and those individuals have tried to deal with infrastructure issues. Mr. Clearwater felt that it was a big mistake to not utilize non-profits in helping with the issues of the Valley Road Building.

Betty Soloway, 6 Rollingmead, had questions regarding issues with cell towers. Mr. Bruschi said that the Board of Public Utilities has said that the municipality has very little jurisdiction when it comes to what goes on the polls. Ms. Soloway said that they get an approval or permit. Mr. Bruschi said that it is not a permit but tacit approval. Ms. Soloway said that cell companies have been called back into other towns to take down their cell towers when the residents have appealed. Mr. Bruschi said that we'll look at the issue again.

Kip Cherry, 24 Dempsey Avenue, complimented the Fire House/Valley Road School Task Force.

Joe Small, Hawthorne Avenue, said that public discussion should be before the adoption of the consent agenda. He said that when an item carves out an exception, it should not be on the consent agenda.

#### **WORK SESSION** **Consent Agenda Policy**

Mr. Schmierer discussed with Council his memorandum dated January 22, 2013 regarding consent agendas. He said that consent agendas are widely used by municipalities throughout the State of New Jersey for

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governing bodies to take action on routine, non-controversial matters which do not require individual discussion.

Mr. Schmierer's memorandum outlined examples of many such items.

Mr. Schmierer said that items may be removed from the consent agenda for more in depth discussion then voted on separately. Ms. Butler said that she thought the objective was to move the agenda along, asking if we really want to use a consent agenda as there is increasing demand for transparency. If Council does choose to use the consent agenda than we need to be very disciplined as to what goes on it at each meeting.

Ms. Crumiller said that she is willing to give it a try even though she is uncomfortable with the concept. She asked that the overall Council agenda be set up in order of importance with the consent agenda at the end.

Mr. Liverman said that he remembers a conversation where it was agreed to try the consent agenda for three to four months, allowing for a learning curve.

Mayor Lempert said that agenda meetings allow for full review of potential items to be placed on the final agenda.

Kip Cherry, 24 Dempsey Avenue argued against the use of the consent agenda saying that it makes public participation more difficult.

It was the consensus of the governing body to compromise and put the consent agenda at the end of each Council agenda.

(Memorandum appended to this set of minutes)

#### **ORDINANCE PUBLIC HEARING: Food Waste Recycling Program**

Mayor Lempert read by title an ordinance entitled AN ORDINANCE ESTABLISHING A REGISTRATION FEE FOR THE PRINCETON FOOD WASTE RECYCLING PROGRAM AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

Mayor Lempert opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Miller offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Mr. Liverman and carried unanimously.

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**ORDINANCE INTRODUCTION: Police Extra Duty Pay**

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE ESTABLISHING A RATE OF HOURLY PAY FOR POLICE EXTRA DUTY AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

Mr. Bruschi said that the proposed ordinance covers the cost for officers hired for special events.

Mr. Liverman offered a motion to approve the proposed ordinance on first reading. Mr. Miller seconded the motion, which was carried unanimously. The public hearing was set for February 11, 2013

**WORK SESSION**

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## **MRRO zone, Status Report**

Mr. Solow discussed with Council the reexamination of the MRRO zone. Mr. Solow said that the Task Force has met three times and is scheduled to meet three more to discuss the deletion of CCRC's , age restricted housing, building heights and setbacks, and the affordable housing component.

Ms. Butler asked about the timeframe of passing an ordinance. Mr. Solow said that there needs to be action by the Planning Board. He said that if Avalon Bay sues, than everything on the site freezes. Ms. Butler asked if we could create parallel zoning. Mr. Solow said that due to the time of submission rule, the zoning is locked in while litigation is pending and that it is his understanding that no one else can submit an application for development on this site while the lawsuit is pending.

Mr. Simon said that he was concerned about the effect on affordable housing. Mr. Liverman asked if reexamination would need to be done again in a year or so. Mr. Solow said that he hoped not, that the plan was to make a viable product and he thought that they have started with a good process.

Mr. Simon said that he thought that the process would fine tune the ordinance but it has become much more than that. He asked that there not be a reduction in the housing units until the affordable housing element was addressed.

Ms. Butler asked that the site not sit empty for years and that it is made a viable entity. Ms. Lempert said that 280 units was the result of a previous process, noting that it was a compromise.

Kip Cherry, 24 Dempsey Avenue said that the 280 units were based upon the size of the building in an effort to fill it. She did not know about its financial validity however. There was a general consensus of the Council that the number of units permitted in the MRRO zone not be changed.

## **REPORTS**

Ms. Butler reported that the recent concert benefiting the Recreation Department was very successful.

Mr. Simon said that he had attended the dinner for the Princeton First Aid and Rescue Squad.

Mayor Lempert reported that she had recently attended the Mayors Meeting with the Governor; met with the Princeton University Board of Trustees; attended the Sustainable Princeton Awards, walked with DOT

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Commissioner Simpson to tour intersections; and had Mayors Hours on January 17, 2013, which were well attended.

## CONSENT AGENDA

Contains items of a routine nature, which are approved by a single vote.

- a. Maintenance/Performance Guarantees
- b. Resolution concerning Real Property Tax Appeals
- c. Resolution: Appointments to Boards and Commissions
- d. Resolution: Appointing a Safety Delegate and an Alternate Safety Delegate to Serve on the Mid Jersey Municipal Joint Insurance Fund
- e. Resolution: Fire House/VRS task force: Replace Jo Butler with Jenny Crumiller
- f. Resolution Authorizing the Cancellation of Property Taxes for the Year 2012 to Correct Assessed Value and Extended Tax Duplicate.
- g. Resolution: Raffle Application
- h. Resolution and Agreement: Princeton Community Housing Development Corporation to act as the Administrative Agent for the Princeton affordable housing properties.
- i. Resolution by Princeton accepting liability or responsibility for Employer's portion of Pension and Social Security for Princeton employees
- j. Resolution Repurchase Griggs Farm, 31 Billie Ellis Lane, \$119,278.

Mr. Simon offered a motion to approve the items "a,b,d, e and f" on the consent agenda. The motion was seconded by Mr. Liverman and carried unanimously.

After clarification, Ms. Butler offered a motion to approve item "c". The motion was seconded by Mr. Liverman which was carried unanimously.

After clarification of item "j", Mr. Liverman offered a motion to approve the remaining items on the consent agenda. Mr. Simon seconded the motion which was carried unanimously.

(Resolutions appended to this set of minutes.)

## CLOSED SESSION

### RESOLUTION TO GO INTO CLOSED SESSION (Open Public Meetings Act Sec.3)

BE IT RESOLVED by the Mayor and Council of Princeton:

1. This body will now convene into a closed session that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.
2. The general nature of the subject or subjects to be discussed in said session is as follows:

**Negotiations/Personnel/litigation**

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3. Stated as precisely as presently possible, the following are the time when and the circumstances under which the discussion conducted at said session can be disclosed to the public:

Within 90 days or upon settlement of litigation, if applicable

- D-Ambrisi property, status report
- Appointments to Boards and Commissions
- Henderson/Villaruz Litigations
- Personnel

The above referenced issue was discussed by the Princeton Council.

There being no further business the meeting was adjourned at 11:40 p.m.

Linda S. McDermott  
Municipal Clerk