

**PRINCETON COUNCIL MEETING**  
**April 18, 2013**

A meeting of the Mayor and Council was held on this date at 5:00 p.m. in the Main Meeting Room in the municipal complex, 400 Witherspoon Street, Princeton, NJ 08540.

**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 April 15, 2013 at 4:45 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: Mr. Bruschi, Ms. Monzo, and Mr. Schmierer.

**COMMENTS FROM THE PUBLIC**

Roger Martindell, Patton Avenue, said that he did not envy Councils position and that there is a history of misconduct and criminality in the Police Department. He said that there is a history to sweep things under the rug and that it was now incumbent on Council to break the cycle.

Barbara Trelstad, 2 Firestone Court said that she thought that Chief Dudeck was the right man for the job and that he was a leader, a mentor and a teacher. She said that outside forces may have influenced events but that it was up to Council to investigate the matter or we will never know.

Kevin Wilkes, 110 Witherspoon Street said that the dynamics of consolidation have turned into a collision. He said that there was significant unhappiness in the ranks of the sergeants and that he urged Council to access the motives of the accusers and stand behind the Chief.

Mildred Trotman, Witherspoon Street, said that she finds it hard to believe that this incident has left us where we are right now. Chief Dudeck has given stellar service to Princeton and she had high praise for his leadership. She said that his reputation is being scarred.

Peter Marks, Moore Street said that the charge of "locker room" language is despicable.

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Alexi Assmus said that other towns are dealing with the developers of Avalon Bay and she urged Council to negotiate tough and hard with them.

Jerome McGowen said that he worked with Chief Dudeck during his tenure and said that he was an honorable man and that he was shocked by the current situation. He said that anytime a Union chooses not to back the Chief, there is something going on. There is a question of timing, why now and why convict in the media when there is no trial?

Minnie Craig asked what do we learn from this. We have to watch what we say.

Wendy Ludlum said that she was concerned about Avalon Bay and that the community would like to see the concept plan.

Joe Small, Hawthorn Avenue said that the comments of the former Borough Council member were eloquent.

Roger Martindell said that the Chief has seven days in which to revoke the agreement and he hopes he does revoke it.

### **13-119 CLOSED SESSION RESOLUTION**

#### **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:

#### **Personnel/Litigation**

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

**Personnel:** Chief Dudeck

**Litigation:** Avalon Bay

The above referenced issues were discussed by the Princeton Council.

### **OPEN SESSION**

#### **13-120 Resolution Concerning Separation Agreement and Release, Chief Dudeck**

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Mr. Miller offered a motion to approve a resolution Concerning Separation Agreement and Release, Chief Dudeck. Mr. Liverman seconded the motion which was carried by five affirmative votes. Ms. Butler voted in the negative.

Mr. Bruchi said that the agreement allows for early retirement and legal release. Chief Dudeck is currently out of the office on accrued medical time and he will retire as of October 1, 2013. Allegations have been withdrawn and the investigation by the prosecutor's office has been withdrawn. Mr. Bruschi said that the Princeton Administration has the utmost confidence on our police department and in the past 18 months the Chief has made many decisions to benefit the department.

Ms. Butler asked what can and cannot Council legally say.

Mr. Schmierer said that Council is not permitted to comment on specific allegations as it remains a personnel matter.

Mr. Simon said that Chief Dudeck was a standup guy and that the decision to retire was his. Mr. Simon wished him well and said that the Police Department is resilient and dedicated.

Ms. Butler said that Chief Dudeck was dedicated in his service to the police department and to his family and that he has served admirably. She said that it is a sad day for the Police Department and for her personally. She said that she has been under pressure to unanimously approve this resolution, and she cannot.

Mr. Miller said that he had recently met Chief Dudeck and thought that they shared the same vision. He said that we need to look into what got us to this point and learn from the experience.

Ms. Crumiller said that she would have preferred an investigation but will vote for the resolution so that the Chief can move on.

Ms. Howard said that they are legally constrained to openly discuss personnel matters. She recognized his 30 years of service and she has accepted his resignation and recognizes the need to move forward.

Ms. Lempert said that the agreement provides Chief Dudeck with the benefits he is entitled to and limits our liability. Chief Dudeck led us through a trying time with consolidation and for that we thank him.

(Comments attached to this set of minutes)

There being no further business the meeting was adjourned at 6:40 p.m.

Linda S. McDermott  
Municipal Clerk

This is a sad day for Princeton and a sad day for me personally. I said on January 1<sup>st</sup> that I thought we had the right man for the job in Chief Dudeck. I stand by what I said. I think Dave is an honest, honorable and brave man. He is a man who has served our community admirably for nearly 30 years, with an impeccable record. Let me repeat that: an impeccable record.

I had the privilege of serving on the Borough's public safety committee with Dave, and we also served together on the Transition Task Force Public Safety Committee. I saw the hours Dave put in, his dedication to the force, his concern for the safety of this community, and his commitment to the success of consolidation. His leadership of the police force during Super Storm Sandy was superior to the response either community provided during Hurricane Irene.

There was one area where Dave and I disagreed, and it appears, quite unfortunately, that I was right. Dave saw my frustration with some of the challenges of consolidation, but being an optimist, he would encourage me to "Hang in there. It will all work out. You'll see." Dave was not afraid to make the difficult choices that needed to be made for the long-term good of our community. I always appreciated Dave's willingness to have honest and frank discussions. Dave is a not BS kind of guy, and you could count on Dave to speak the truth to power. We cannot crow about the success of consolidation without giving credit where credit is due: to the leadership of our most critical function – the police.

In honor of Dave, let me be perfectly clear if it is not clear from this agreement: there was a calculation made that any allegations against Dave would result in his retirement. The stakes for his family are just too great. It is a disgrace, not to Dave, but to our community. To anyone who might perceive this to be some sort of victory, let me caution you. It is not. Our community is diminished by the retirement of Dave Dudeck.

I have been under pressure to approve this resolution. It would be convenient to have a unanimous decision, but I am sorry I can't deliver that. I recognize that my colleagues and I are in a difficult situation, but I cannot claim that there were no

choices, that this was the only possible outcome – or even the best possible outcome. I don't believe that, and therefore I can't support this.

Dave is an honorable man, one who has been dedicated to doing the right thing, to treating people fairly. I wish Dave and his family the best.

OPEN:

Chief Dudeck has indicated that he wishes to retire. The Council will be entering into closed session to discuss a separation agreement with the Chief. We will then be reopening the meeting at 6pm for a possible vote on that agreement.

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Chief Dudeck has offered his retirement after 30 years of dedicated service. This separation agreement accepts that retirement, and provides him with the benefits he is entitled to as a result of his position, but no more than that. This agreement also helps protect the town by limiting our future exposure to liability, and it provides everyone involved – the Chief, the police department, and the town – with certainty and the ability to move on.

Chief Dudeck has led the department through a challenging time of change with consolidation. He's thought carefully and creatively about how to maximize the opportunities for enhanced police services afforded through consolidation. I want to thank him for his efforts, and I know the department will continue with that important work. Police Commissioner Howard has outlined some of the efforts already underway. In addition, we will be conducting an audit of the department to ensure that going forward, the structure and management of the department is at its most optimal for continuing to provide the best service and protection to the Princeton community.



Message

Mon, May 06, 2013 9:35 AM

From: "Jenny Crumiller-Council" <jcrumiller@princetonnj.gov>

To: psimon@princetonnj.gov **Linda McDermott**

[View in Browser](#)

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Subject: RE: Council Comments for Special Meeting, April 18, 2013

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Hi Linda—I'm sorry but I wrote mine by hand and I don't have it any more. My comments were quite brief- if you'd like you can just report that Jenny Crumiller said that she would have preferred an investigation into the charges, but out of deference to the chief's wishes she supported the agreement.

**From:** Patrick Simon [<mailto:psimon@princetonnj.gov>]  
**Sent:** Sunday, May 05, 2013 12:29 PM  
**To:** Linda McDermott  
**Cc:** Jenny Crumiller  
**Subject:** Re: Council Comments for Special Meeting, April 18, 2013

Linda -

Please find my comments included below.

Patrick Simon  
Princeton Council  
[psimon@princetonnj.gov](mailto:psimon@princetonnj.gov)

--- begin comments ---

David Dudeck devoted nearly 30 years to serving Princeton, and he served with distinction, earning promotions ultimately to serve as chief of the Borough Police Department and then the combined Princeton. He can be justifiably proud of his service and his achievements.

In my limited dealings with him he came across as a standup guy, as both a professional and a gentleman.

Today we acknowledge and accept his decision to retire. The choice was his. We regret that this man, respected and loved by so many within Princeton, will no longer be our chief of police. In serving in that role, he became a symbol of something greater than himself. He served as a representative of our town, and as a symbol of the position of chief of police, to us, to those whom he served, and we regret losing him, his valuable service, in that capacity.

The chief also had a significant role in taking two separate departments and knitting them together as one, and I appreciate his contribution to that effort. I wish him well in his retirement and in his future endeavors.

In the weeks leading up to today, I have wrestled with how to respect the confidentiality due to employees of the municipality as guaranteed in state law while still being accountable to the public, and I have especially struggled with the fact that I do not have the power to correct public misstatements about confidential matters. My colleagues and I have attempted first and foremost to protect the interest of the public whom we were elected to serve. As I am sure is the case for my colleagues, I have sought to be fair to the chief, and to be fair to all of the men and women who serve our community faithfully in the police department.

As we look forward from this point, the people we have in the Princeton Police Department are resilient and dedicated, and I have every confidence that they will handle this transition smoothly and continue to do their jobs, not missing a beat, as professionals. We in government have an obligation to facilitate that, to make sure that they have the resources and the focus and the governance necessary to do their jobs, to serve and to protect the public, and that is my intent, our intent, today.

--- end comments ---

Linda McDermott writes:

>At your earliest convenience, could you please email to me a copy of the comments that you made at the special meeting (Chief Dudeck) on April 18, 2013.

>Thank you!

>Linda

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>PLEASE NOTE: My email has changed to: [lmcdermott@princetonnj.gov](mailto:lmcdermott@princetonnj.gov)

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>Linda McDermott

>Municipal Clerk, Princeton

>400 Witherspoon Street

>Princeton, NJ 08540

>609-924-5704

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