

September 23, 2013

**These minutes not yet
Approved by the Princeton Council**

**PRINCETON COUNCIL MEETING
September 23, 2013**

A 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, 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 the 2013 Schedule of Regular Meetings. On January 1, 2013 at 2:15 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 Mr. Kiser, and Mr. Schmierer and Lt. Morgan.

PLEDGE OF ALLEGIANCE

The audience participated in the Pledge of Allegiance.

MINUTES: May 13, September 3, 9, and 18, 2013

The minutes of May 13, 2013 were tabled until the Council meeting of October 14, 2013.

Ms. Howard offered a motion to approve the Council minutes of September 3, 2013 as presented.

The motion was seconded by Ms. Butler and carried unanimously.

Ms. Howard offered a motion to approve the Council minutes of September 9, 2013 as amended by Mr. Simon. The motion was seconded by Ms. Butler and carried unanimously.

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Ms. Howard offered a motion to approve the Council minutes of September 18, 2013 as presented. The motion was seconded by Ms. Butler and carried unanimously.

PROCLAMATION: Put the Brakes on Fatalities Day, October 10, 2013

Mayor Lempert read a Proclamation proclaiming October 10, 2013 as *Put the Brakes on Fatalities Day* in Princeton.

COMMENTS FROM THE AUDIENCE

Larry Sprague, Sustainable Energy Funding Program (SEFP) spoke to the Mayor and Council about a potential public/private partnership between Princeton and the SEFP and the renovation and reuse of the Valley Road School.

Mr. Sprague said that the partnership could create a “green building” by significantly improving its energy efficiency and thereby lower its operating costs. He suggested renovating the building for a community purpose such as use by non-profit organizations, town, county or state offices and utilizing local contractors to create economic development. Mr. Sprague promoted the reuse of a centrally located building without use of tax dollars. He said financing of the P3 provided by SEFP done in partnership with Princeton and the revenue/rent from the buildings’ occupants would be used to pay project costs. Finally, Mr. Sprague said that the building would remain in long term ownership to the community.

Kip Cherry, 24 Dempsey Avenue said that her organization was not associated with Mr. Sprague and SEFP.

(Comments attached to this set of minutes)

PRESENTATIONS

Susan Hoskins, Princeton Senior Resource Center, Annual Report

Susan Hoskins, Executive Director, Princeton Senior Resource Center (PSRC) presented to the Mayor and Council an overview of the Princeton Senior Center annual report. She said that in 2012-13 an average of 1389 people attended PSRC programs each week, another 90 had contact with a social service staff member, 490 volunteers and 12 paid instructors helped the 10 staff members.

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PSRC offered 9 fitness classes, 33 Evergreen Forum classes (793 people enrolled) and 12 other enrichment classes. The Next Step program held 109 events for 1189 people, 24 computer classes, 18 lunch and learn programs and 15 special lectures. There were 2855 social service contacts and 352 active registered riders took 3523 rides with Crosstown. Finally, 70 GrandPals read weekly with children in four schools.

Ms. Hoskins said that PSRC left the United Way collaborative and formed their own PIC-Princeton care coordination program which enables them to serve more people in Princeton, accessing a wider range of resources, retuning the focus to the client and creating individual plans which are essential to people who choose to remain in their own homes. PSRC has also formed the Men In Retirement Group and the Encore Intern program.

Ms. Hoskins announced that the *Total Brain Fair* will be held on October 5, and on October 22 will be the Health Fair and Flu Shots.

Mr. Miller asked if any of the programs had been effected by the sequester. Ms. Hoskins said that they haven't been directly because they do not receive federal funding; however, programs through the Older Americans Act will suffer.

Ms. Crumiller asked if people aged 55 can use Crosstown. Ms. Hoskins said that the program is for people 65 and older, who do not drive or are blind.

Ms. Howard asked if the PSRC would be open to doing more flu clinics. Ms. Hoskins said that at the moment they are ready for the clinic on October 22 and taking appointments.

Ms. Butler asked what the PRSC has in place for an Emergency Action Plan. Ms. Hoskins said that during Hurricane Sandy, they reached out to clients that they knew, but stayed out of the way of emergency personnel. After the storm staff went door to door on foot in town to check on clients.

Mr. Simon thanked Ms. Hoskins for the work done by the PRSC.

Mayor Lempert said that Ms. Hoskins was amazing and thanked her and her staff for their hard work.

(Comments attached to this set of minutes)

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Princeton University, Arts and Transit Update, Kristen Appelget

Kristen Appleget, gave the Mayor and Council a power point presentation updating the Arts and Transit project. She also guided people to the project website www.princeton.edu/artsandtransit . She said that we are three weeks ahead of the next change. Ms. Appelget discussed the vehicular circulation and the bicycle and pedestrian routes that will begin in mid October.

Ms. Crumiller asked about the recent accident at the Dinky Station site and whether the University is investigating the incident. Ms. Appelget said that yes absolutely the incident was being investigated. Ms. Crumiller asked if it should be investigated as if someone had been killed. Mr. Bruschi said that the accident was an anomaly and that the permits and actions of that day are being looked at. Ms. Crumiller said that a mistake had still been made and asked if Council could get a report about the accident. She also said that she thought a \$2,000. Fine had been issued to Princeton University by the municipality. Ms. Appelget said that was inaccurate and that the fine was issued to the contractor.

Ms. Crumiller requested that College Road get some attention. Mr. Kiser said that the Engineering Department would look into it.

(Presentation attached to this set of minutes)

REPORTS

Police Report

Mr. Bruschi asked Council to email him if there was a specific way that they would like to see the police reports formatted. Lt. Morgan said that they are looking for feedback on the structure of the report, noting that they are more than just data driven.

Ms. Howard said that she has seen a presence at the Riverside school.

Mr. Simon said that he would encourage subjective information in the report and asked who the UCR statistics go to. Lt. Morgan said that they go to the State and that incident statistics are for our police force. Mr. Miller said that he thought that more comparative data would be interesting.

Mr. Simon asked about the impact of the MOU with Princeton University. Lt. Morgan said that it has created a fantastic relationship and that it is keeping more officers in town.

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Lt. Morgan also noted that the Winter Clothing drive has begun and that a collection box is located at the police department.

Ms. Butler asked if Council could get more information on rape and sexual assault incidents. Lt. Morgan said yes. Ms. Butler asked if the police department was continuing to respond to PFARS calls. Lt. Morgan said that they typically respond to all first aid calls. Ms. Butler also asked if they were actively pursuing cell phone violations. Lt. Morgan said that they were.

Sgt. Thomas Murray, Traffic Safety Officer said that it boggles the mind what goes on in traffic. He said that when it comes to pedestrians and crosswalks, sometimes convenience wins out with people. We do what we can to educate people and make them aware of changes. He said that he recently attended a Jackson Witherspoon neighborhood meeting and discussed changes and how they are accepted. Anton Lahnston, Chair of Traffic and Transportation said that Sgt. Murray is fantastic and acknowledged the combination of police, engineering and public works and how working with them is great.

Ms. Butler said that at the Dinky station there is a call button. She asked if it goes to public safety. Ms. Appelget said that if you use the blue light phones, they go to public safety and cell phones go to the municipal police department.

Best Practices Inventory

Sandra Webb, CFO discussed with Council the 50 questions in the Best Practices Inventory as certified by the CFO and the Administrator. She said that there are twelve new questions and noted that Princeton scored a 94% making the municipality within the realm of receiving state aid this year.

(Best Practices Inventory appended to this set of minutes)

REPORTS

Ms. Howard said that she is working with Legal Defense on federal immigration laws and local law enforcement. They are working on a directive regarding the role of local police and training with local immigration attorneys. She also noted that Senator Menendez was gotten involved with the recent ICE issue. Ms. Howard also discussed in state tuition for immigrants. Ms. Butler asked if the tuition issue would come before Council. Ms. Howard said that it would not.

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Ms. Crumiller said that the SOC meets quarterly and that they have an aggressive I & I program. She said that it is \$1 million less than if we hadn't moved the extraneous flow. She also said that there have been discussions to invest in a new TV truck. Ms. Crumiller said that the Shade Tree Commission is getting ready to present the data base. Mr. Miller asked if there was an ongoing plan to review and update. She said that there was.

Mr. Miller said that the Animal Control Committee would be meeting on September 26, 2013 to decide on this year's deer culling program

Mr. Liverman said that Barbara Trelstad has resigned from the Princeton Housing Authority and that there would be a PADA meeting on October 3, 2013.

Ms. Butler said that the Food Trust Report to the CBC features the Recreation Department concession stand. She said that with modifications, 1.2 M fewer calories were sold.

Mayor Lempert congratulated Christopher Eisgruber as the new President of Princeton University. She also said that on September 29, 2013, the Albert Hinds Gates would be dedicated and that Super Saturday at the John Witherspoon School would be held on September 28, 2013. The Mayor also noted that the high school was bringing back the Homecoming Dance.

ORDINANCE PUBLIC HEARINGS

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE CONCERNING THE PRINCETON POLICE DEPARTMENT AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY 1068" AND THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974".

Mayor Lempert opened the public hearing.

Ms. Crumiller said that she thought that Council would be adopting the Borough ordinance as the working ordinance.

Ms. Butler said that this ordinance does not seem to follow the state statute. Mr. Schmierer said that he was of the opinion that it did follow state statute.

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Roger Martindell, Patton Avenue said that this draft was less than articulate and lacked discipline.

Joe Small said that every speaker seemed confused about the proposed ordinance and that it was not clear. He said that a clearer ordinance needs to be written.

Mr. Simon said that he disagreed with the ordinance in its current draft. He asked that rules and regulations be put in two places and that the Mayor and Council should be the appropriate authority.

Ms. Butler agreed with Mr. Simon and said that she was not convinced by Mr. Schmierer's opinion. (Full text of Ms. Butler's comments attached to this set of minutes).

Mr. Liverman said that he did not see this as a threat or problem for Princeton and noted that he had a lot of respect for Mr. Schmierer.

Ms. Crumiller said that now is not the time to delegate the appropriate authority. She said that each ordinance in each municipality is written for the circumstances of that municipality. She said that the proposed ordinance is convoluted. She said that she is voting against the proposed ordinance and asked for simplicity.

Ms. Howard said that she would vote for the proposed ordinance further said that she has spoken with officials at the Department of Community Affairs and will opt for professionalism.

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

Ms. Howard offered a motion to approve the proposed ordinance on second reading as amended. The motion was seconded by Mr. Miller and carried by four affirmative votes (Ms. Howard, Mr. Liverman, Mr. Miller and Mayor Lempert). Ms. Butler, Ms. Crumiller and Mr. Simon voted in the negative.

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ORDINANCE INTRODUCTION

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE AMENDING SECTION 2-116 OF THE CODE OF THE TOWNSHIP OF PRINCETON CONCERNING THE ANIMAL CONTROL ADVISORY COMMITTEE.

Ms. Butler offered a motion to approve the proposed ordinance on first reading. Mr. Miller seconded the motion, which was carried unanimously by those present. The public hearing was set for October 14, 2013.

RESOLUTIONS

13-250 Emergency Action Plan

Mr. Liverman offered a motion to approve resolution 13-250 as presented. The motion was seconded by Mr. Simon and carried unanimously by those present.

13-251 Resolution and Agreement: Mercer County Improvement Authority, 2014-2018 Shared Services Agreement, Curbside Collection of Recyclables

Ms. Crumiller offered a motion to approve resolution 13-251 as presented. The motion was seconded by Mr. Liverman and carried unanimously by those present.

13-252 Professional Services Agreement: Miller, Porter and Muller, Merging Land Use Codes, Not to Exceed \$45,000.

Mr. Liverman offered a motion to approve resolution 13-252 as presented. The motion was seconded by Ms. Crumiller and carried by three affirmative votes. Mr. Miller and Mr. Simon voted in the negative and Ms. Howard was absent.

13-253 Appointments, Boards and Commissions

Mr. Simon offered a motion to approve resolution 13-253 as presented. The motion was seconded by Ms. Butler and carried unanimously by those present.

13-254 Valley Road, NJDOT Grant Application

Ms. Butler offered a motion to approve resolution 13-254 as presented. The motion was seconded by Mr. Simon and carried unanimously by those present.

13-255 Franklin Avenue and Linden Lane, NJDOT Grant Application

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Ms. Butler offered a motion to approve resolution 13-255 as presented. The motion was seconded by Mr. Simon and carried unanimously by those present.

13-256 Police Department Rules and Regulations

Mr. Liverman offered a motion to approve resolution 13-256 as amended. The motion was seconded by Mr. Miller and carried unanimously by those present.

13-257 Professional Services Agreement: Robert Hary, Interim Health Officer, Not to Exceed \$25,000.

Ms. Butler offered a motion to approve resolution 13-257 as presented. The motion was seconded by Mr. Miller and carried unanimously by those present.

(Resolutions appended to this set of minutes)

CONSENT AGENDA

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

a. Bills and Claims

b. 13-258 Banner Request over Washington Road, October 21 to October 28, 2013 for “*One Princeton*”, a payment system-an alternative to credit cards, debit cards and cash. Consumers use a smart phone or plastic card to pay. When consumers pay with One Princeton at participating merchants, the merchant agrees to automatically donate 1% of the purchase price to the non-profit community organization that the consumer has chosen.

c. Maintenance/Performance Guarantees:

- Andrew L. Pratt, Princeton Church of Christ – Minor Site Plan, Parking Lot, Release of Maintenance Guaranty
- Alan Upperco, Manager of Finance, Princeton University - Neuroscience and Psychology Building Complex, Extension of Time to December 31, 2013.
- Julian Doemland, Business Manager Tiger Inn Club – Preliminary and Final Major Site Plan Approval Release of performance guaranty contingent upon the receipt of a maintenance guaranty bond
- Igor Barsky Andrew L. Pratt, 343 Jefferson Road - Minor Subdivision, Extension of Time to November 6, 2013.
- Alan Upperco, Manager of Finance, Princeton University – 171 Broadmead Road Site Lighting, Release of performance guaranty.
- James J. McCaffrey IV, Exec Vice President, McCaffrey’s Markets, Princeton Shopping Center Emergency Generator, Extension of Time to October 30, 2013.

d. 13-259 2010 & 2011 Sewer Refund, 155 Hodge Road

e. 13-260 Cancellation of Taxes for 2012, Journeys End

f. 13-261 Certification of Mercer County HOME Investment Partnerships Program Consortium

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g. New Jersey American Water, Request to Perform Nighttime Work on Harrison Street

h. 13-262 Cancellation of 2013 Property and Sewer Taxes, 433 Brickhouse Road

Mr. Miller offered a motion to approve consent agenda items. The motion was seconded by Ms. Crumiller and carried by five affirmative votes. Ms. Howard was absent from this part of the meeting

(Resolutions appended to this set of minutes.)

13-263 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:
 - PSA: Attorney
 - Personnel: Administrator
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

The above referenced issues were discussed by the Princeton Council.

There being no further business the meeting was adjourned at 11:45 p.m.

Linda S. McDermott
Municipal Clerk

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