

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

**PRINCETON COUNCIL MEETING
April 7, 2014**

A meeting of the Mayor and Council was held on this date at 6:00 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 4, 2014 at 10:20 a.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Torontonion, the Town Topics, and filed with the Municipal Clerk.

ROLL CALL

The Municipal Clerk then called the roll.

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

Absent: Mr. Simon.

Also Present: Mr. Bruschi, Mr. Kiser, Capt. Sutter and Mr. Schmierer.

PLEDGE OF ALLEGIANCE

The audience participated in the Pledge of Allegiance.

(6:00 p.m.) **AFFIRMATION DISCUSSION:** Chief of Police
14 -85 Resolution Appointing Chief of Police

Mayor Lempert said that this was the final step in the process of selecting the Chief of Police for Princeton.

Ms. Howard asked Captain Sutter about his vision for the Police Department. Captain Sutter said that a community policing philosophy is beneficial to both the community and the department in so many ways. He said that the department spoke a lot internally about the importance of a strategic plan. After consolidation, 2013 was really a year of making the department more efficient and streamlining operations. He said that the job that the unit has done speaks for itself and that the entire department has gained momentum.

Mayor Lempert congratulated Captain Sutter and said that she couldn't say enough about how proud she was of the police department.

Mr. Miller said that he was pleased to see so many officers in the audience supporting the Captain. He asked what Captain Sutter's thoughts were on long range planning. Captain Sutter said that it was very important to have a strategic plan. He said that accreditation status was monumental and that going forward would look carefully at what stakeholders expect.

Ms. Crumiller offered her congratulations to Captain Sutter and the whole police force. She asked Captain Sutter about his continued plans for communication with Council. Captain Sutter said that communication was critical and that he was happy with the relationship that they've had to date and hoped that it would continue. He hoped to keep the relationship positive and functional. Ms. Crumiller asked if he would be instituting a Ride Along Program. Captain Sutter said that they absolutely would.

Ms. Butler offered her congratulations. She asked Captain Sutter what he has done to change the police department's culture and educate the force about gender equity and acceptable behavior within the force. Captain Sutter said that it has been a multistage approach that started with the onset of consolidation, setting policies and expectations, developing a mission statement with core values of honor, integrity and respect.

The department recently underwent diversity training in February that was meant to clarify for police officers their enforcement role while strengthening the relationship with the immigrant community.

Mr. Simon offered his thanks and congratulations, saying that he was pleased with the professionalism, transparency and integrity that is a credit to Captain Sutter and his staff.

Ms. Howard submitted for the record letters in support of Captain Sutter from Larry Spruill, John Heilner and Leticia Fraga.

(Letters appended to this set of minutes)

Ross Wishnick, Edgerstoune Road, Chair of The Human Services Commission said that he was in support of the appointment of Captain Sutter.

Detective Ben Gehring, said that he was representing those in attendance from the police department in support of the appointment of Captain Sutter for Police Chief.

Paul Ominsky, Executive Director, Princeton University Public Safety said that he was in support of the appointment of Captain Sutter.

Ted Horinski, Lawrence, offered his support for Captain Sutter.

William Straniero, Chief Detective, Mercer County Prosecutor's Office said that he supported the appointment of Captain Sutter for Police Chief.

Ms. Howard offered a motion to approve resolution 14-85 as presented appointing Nicholas Sutter as Chief of Police. The motion was seconded by Mr. Miller and carried unanimously.

Captain Sutter said that he wanted to thank everyone for the opportunity that he has been given. He said that he could not be more proud or honored.

(Resolution appended to this set of minutes)

(7:00 p.m.) COMMENTS FROM THE PUBLIC - Regarding Items Not on the Agenda

There were no comments from the audience.

PROCLAMATION

National Public Safety Telecommunicators Week, April 13-19, 2014

Mayor Lempert read a proclamation declaring April 13-19, 2014 as National Public Safety Telecommunicators Week.

WORK SESSION

14-86 Resolution, Avalon Bay Developer's Agreement

Mayor Lempert began with some background as to how Council got to this point with the developer's Agreement.

Dr. Ira Whitman, an independent environmental expert gave a follow up report to Council elaborating on site recommendations the he had presented previously. He cited the excavation of four active and two inactive underground storage tanks, asbestos removal and lead paint removal. He recommended more comprehensive soil testing around areas where medical waste incinerators operated on the site. He also recommended that crushed concrete be sampled for PCBs and heavy metals from three locations on the site. He also recommended that three more air monitors be installed on the site.

Robert Kasuba, Esq., Attorney representing Avalon Bay said that the developer would only comply with the less comprehensive recommendations given in the original report.

Mr. Kiser said that permit applications have been received by the Building Department and appear to be in order. He said that once review of the applications are complete, authorized permits will be issue, possibly by the end of the week.

Mr. Kasuba questioned Dr. Whitman as to his methodology used in preparation of the reports. He asked if there were sampling, modeling analysis or a review of the ordinances. Dr. Whitman said that there were not but that Health and Welfare protocols were sufficient. Mr. Kasuba asked if the other report considered similar protocols. Dr. Whitman said “no”. Mr. Kasuba asked if there were other protocols that you have been made aware of.

Ms. Howard said that she did not appreciate the cross examination that appeared to be taking place

Marvin Israel, 20 Willow Street said that the demolition report given to Avalon Bay was not given to the citizens. He said that this was unconscionable and an endangerment to the neighbors. He asked that the process be stopped, that Dr. Whitman be excused and that an independent consultant be hired.

Julie Roth, 100 Jefferson Road said that she was concerned about the health of the children and the health and safety of the workers. She said that the value of human life is infinite and far outweighs financial profits. She said that she would rather have heard reassurance rather than the tone of cross examination from Avalon Bay representatives.

Richard Nottenburg, 98 Jefferson Road asked about soil testing within the immediate vicinity of the incinerators. He asked why a broader area for testing was not being done.

Martha Friedman, 96 Jefferson asked if spraying with water would really keep the dust down and would it be safe to have the windows open. She asked how will people know what is in the dust and the air. Mr. Kiser said that there was no original proposal to sheath the building during demolition but that there will be monitors at the site. Mr. Kiser said that inspection of the site will be done by the Princeton Engineering Department and if there are any alarms we will know quickly and everything stops.

Mayor Lempert said that there will be a neighborhood meeting and that we will get everyone’s contact information to notify them.

Mr. Kasuba said that Avalon Bay intends to proceed with the project when they have an acceptable agreement. Removal will be done on a building by building rolling basis.

Paul Driscoll, 141 Harris Road thanked Dr. Whitman. He said that he had OPRA'd the draft report but was denied. Trishka Waterbury, Esq. said that he was denied because the draft report was deliberative material and not given to Avalon Bay. She said that a draft is not a public record. Mr. Driscoll said that this was not an open process. He said that at a recent Health Commission meeting there was a recommendation for children to wear masks. He said that citizen's lives are at risk and that this is our one chance to get it right.

Linda Auerbach, 10 Lytle Street asked what the work week was for the project. Mr. Kiser said that it was Monday through Friday and again on Saturday if they need to work. Ms. Auerbach said that she thought that this issue was ideal for a referendum.

Areta Pawlynski, 93 Harris Road provided pictures of smokestack plumes taken in 20002 believed to be attributed to oil from the Hospital boiler and shared hospital incinerator.

Dr. Sam Hamod referred to his letter to Council dated April 7, 2014. He asked that Council treat the residents the way they would wish to be treated. His letter said that Dr. Whitman admitted that he had no experience in the demolition of a hospital and expressed his concerns about Dr. Whitman's reports and the management of the project by the municipality.

(Letter appended to this set on minutes)

Andra Sacchetti, Dodds Lane thanked Council for their diligence with this project.

Anita Garoniak, 1 Harris Road, questioned the noise ordinance and how it pertains to the project. Ms. Crumiller asked if we could impose a later start time. Ms. Cecil said that the municipality would have to amend the noise ordinance to allow for a later time to begin construction work.

Mr. Kiser said that the Engineering Department will be given daily updates regarding the project.

Heidi Fichtenbaum, 38 Carnahan Place asked if the public can review the updates. Mr. Kiser said that they could.

Steve Miller asked what size dust monitor would be used? Dr. Whitman said that it would be small particle.

Mr. Miller recommended that Engineering use a log book on the project. Mr. Kiser said that this is what is normally done.

Ms. Crumiller asked if the bifurcation issue has been agreed to. Mr. Kiser said that it was.

Ms. Butler asked regarding the asbestos issue if Avalon Bay will be doing it all at once. Ms. Kasuba said that removal will be done on a building by building rolling basis. Mr. Kiser said that in the case of multiple buildings, this is how it was done.

Mr. Kiser said that Avalon Bay has said that they will not agree to more testing beyond what was previously agreed. Ms. Howard said that she was disappointed to hear that and that she supported the developer's agreement as presented.

Mr. Miller said that the primary responsibility is to protect the health and welfare of the community and that he accepted the proposed developer's agreement.

Mr. Liverman said that he thought that Avalon Bay would take the extra step. He said that when it came down to it, he would have back the consultant's recommendations and support the developer's agreement.

Ms. Butler said that she agreed with her colleagues. She said that she would stand by the recommendations of the consultant as we'll only get one shot at this.

Mr. Simon said that he wanted to encourage voluntary agreements by property owners with environmental concerns. He said that he also stood behind the recommendation of the hired consultant.

Mayor Lempert said that she agreed with her colleagues statements. She said that in Princeton we look out for each other and that she hoped Avalon Bay would reconsider their stance.

Mr. Miller offered a motion to approve resolution 14-86 for the developer's agreement as presented. The motion was seconded by Ms. Butler and carried unanimously.

ORDINANCE INTRODUCTIONS

Bond Ordinance, Road Improvements

Mayor Lempert read by title on first reading a proposed ordinance entitled BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO VARIOUS STREETS IN AND BY PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$880,000

THEREFOR AND AUTHORIZING THE ISSUANCE OF \$836,000 BONDS OR NOTES OF PRINCETON TO FINANCE PART OF THE COST THEREOF.

Ms. Crumiller 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 April 28, 2014

Pedestrian Pathway Easements

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE BY PRINCETON AUTHORIZING THE ACCEPTANCE OF DEEDS FOR PERMANENT PEDESTRIAN PATHWAY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR BLOCK 10201, LOTS 6, 7, 8, 9, 10, PRINCETON MUNICIPAL TAX MAP (Public Hearing April 28, 2014)

Ms. Butler offered a motion to approve the proposed ordinance on first reading. Ms. Crumiller seconded the motion, which was carried unanimously. The public hearing was set for April 28, 2014

RESOLUTIONS

14-87 Bid Award: Clintar, 2014 Turf Management, \$9,175.00

Ms. Crumiller offered a motion to approve resolution 14-87 as presented. The motion was seconded by Ms. Butler and carried unanimously.

14-88 Bid Award: Greenleaf Landscape Systems & Services, Inc., 2014 Mowing Contract (Part I), \$49,162.

Ms. Crumiller offered a motion to approve resolution 14-88 as presented. The motion was seconded by Ms. Butler and carried unanimously.

14-89 Bid Award: US Athletic Fields, Inc., 2014 Mowing Contract (Part II), \$3,100.

Ms. Crumiller offered a motion to approve resolution 14-89 as presented. The motion was seconded by Ms. Butler and carried unanimously.

14-90 Continuing Support For The Goals And Purposes Of The 2004 Highlands Water Protection And Planning Act.

Ms. Butler offered a motion to approve resolution 14-90 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

14-91 Mutual Aid Agreement between Princeton and the Township of Ewing. Emergency Management Services.

Ms. Crumiller offered a motion to approve resolution 14-91 as presented. The motion was seconded by Ms. Butler and carried unanimously.

14-92 Griggs Corner Parking Lot Annual Lease Agreement, \$31,324.87

Mr. Miller offered a motion to approve resolution 14-92 as presented. The motion was seconded by Ms. Butler and carried unanimously.

14-93 Bid Award, Pat Scanlon Landscaping, Inc., 2014 Spring Planting Project, \$4,919.00

Ms. Crumiller offered a motion to approve resolution 14-93 as presented. The motion was seconded by Mr. Miller and carried unanimously.

14-94 Resolution authorizing the appointment of Reagan Burkholder, Summit Collaborative Advisors as Consultant for Administrator Selection Process, Not to Exceed \$4,500.

Ms. Butler offered a motion to approve resolution 14-94 as presented. The motion was seconded by Mr. Miller and carried unanimously.

14-95 Supplemental Professional Services Agreement, Ira Whitman, PE, LSRP, Inspection and Monitoring Services, to be paid from escrow.

Ms. Crumiller offered a motion to approve resolution 14-95 as presented. The motion was seconded by Mr. Simon and carried unanimously.

14-96 Renewal of Professional Services Agreement with Greater Mercer TMA for Transportation Services.

Ms. Crumiller offered a motion to approve resolution 14-96 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

14-97 Professional Services Agreement, Van Cleef Engineering Associates, Landscape Engineering Inspections, to be paid from escrow.

Ms. Crumiller offered a motion to approve resolution 14-97 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

14-98 Professional Services Agreement, Van Cleef Engineering Associates, Inspection Services for Sanitary Sewer Capital Construction Projects, Not To Exceed \$25,000.

Ms. Crumiller offered a motion to approve resolution 14-98 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

14-99 Alexander Street University Place Task Force Application for Federal Funding. 14-100 Resolution for Current Fund Emergency Temporary Budget.

Mr. Liverman offered a motion to approve resolution 14-99 as presented. The motion was seconded by Mr. Simon and carried unanimously.

14-100 Resolution for Current Fund Emergency Temporary Budget.

Mr. Simon offered a motion to approve resolution 14-100 as presented. The motion was seconded by Mr. Miller and carried unanimously

14-101 Resolution Affordable Housing Utility Fund Emergency Temporary Budget.

Mr. Simon offered a motion to approve resolution 14-101 as presented. The motion was seconded by Mr. Miller and carried unanimously.

14-102 Resolution Parking Utility Fund Emergency Temporary Budget.

Mr. Simon offered a motion to approve resolution 14-102 as presented. The motion was seconded by Mr. Miller and carried unanimously

14-103 Resolution Naming Negotiating Committee for Comcast Franchise Negotiations.

Mr. Simon offered a motion to approve resolution 14-103 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 Maintenance/Performance Guarantees

Release of Maintenance Guarantee, Project 11-03 Reconstruction of Scott Lane and Bainbridge Street

c. 14-104 Resolution: Banner Request for Princeton University announcing the “Princeton Festival”, to be hung over Washington Road, June 9-16, 2014.

d. 14-105 Resolution: Banner Request for the Leukemia & Lymphoma Society announcing the “Light the Night”, to be hung over Washington Road, October 13-20, 2014.

- e. Noise Waiver: Hunter Roberts Construction Group/NJDOT, Sanitary Sewer Work, Route 206 and North Stanworth Drive, April 7-18, 2014.
- f. 14- 106 Resolution Supporting Mayors Wellness Campaign

Mr. Liverman offered a motion to approve the consent agenda as presented. The motion was seconded by Ms. Butler and carried unanimously.

(Resolutions appended to this set of minutes.)

10:20 p.m.
14-107 CLOSED SESSION: Personnel/Negotiations

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.

The general nature of the subject or subjects to be discussed in said session is as follows:

Personnel/Negotiations

- AFSME/Teamsters
- Personnel Update

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 11:00 p.m.

Linda S. McDermott
Municipal Clerk