

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

**PRINCETON COUNCIL MEETING
January 27, 2014 Amended**

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 a written notice. On January 24, 2014 at 3:15 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 (6:00 p.m.) and Messers Liverman, Miller and Simon and Mayor Lempert (6:00 p.m.).

Absent: None.

Also Present: Ms. Monzo, Mr. Kiser, Capt. Sutter and Mr. Schmierer.

(5:00 p.m.) 14-28 **CLOSED SESSION RESOLUTION**

Brad Middlekauf was present for Negotiations, Princeton University. Ms. Howard and Mayor Lempert were present at 6:00 p.m. for the Litigation discussion.

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 – Princeton University
Litigation – Henderson and Papp Lawsuit**

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.

(7:00 p.m. Open Session) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Riverside School Students, Rubie Voge, Julia Troilo, Amit Bhattacharjya, Nate Howard and Sara Woodfield

COMMENTS FROM THE PUBLIC

Carolyn Barnshaw, Terhune Road, asked if a study could be done regarding speed limits on Terhune Road. She said that it was a speedway and that the present speed limits are not consistent with other Princeton streets. Ms. Crumiller said that Ms. Barnshaw's concerns were legitimate and should be addressed.

Marco Gutardis, asked that when Avalon Bay begins work, that the character of Harris Road be retained.

PROCLAMATION – Walter Harris Day

Mayor Lempert presented the family of former Borough police officer Walter Harris a proclamation in honor of Mr. Harris' service to Princeton.

**WORK SESSION
Financial Policy (Citizens Finance Advisory Committee)**

Scott Sillars, Citizens Finance Advisory Committee reviewed with Council a power point presentation regarding surplus policy recommendations. He said that the objective was to establish a policy for the level of current fund balance (surplus) to maintain and establish policies to manage our finances to maintain that level of surplus.

Mr. Liverman thanked Mr. Sillars for his presentation adding that he thought that this seemed like a good problem.

Ms. Butler questioned if we run the risk of this coming back to bite us if we set policy at 15% for surplus. Ms. Howard wondered if there was a risk as the state enters into a difficult budget year. Mayor Lempert said that the municipality wanted to plan for the future in the best way possible.

Peter Marks said that the presentation was a nice clear analysis and asked if the interest rates between AAA and AA were considered when making the proposal.

(Presentation attached to this set of minutes)

Avalon Bay Developers Agreement

John Vogel, Avalon Bay discussed with Council the proposed developer's agreement and the demolition of the former Princeton hospital site. It was determined that Avalon Bay must ensure that the old medical incinerator is properly removed and questions from the municipality appropriately answered before final approval of the demolition plan would be given. Mr. Vogel said that certain issues for the developer's agreement were still in negotiation and that the language of the development plan would be attached to the developer's agreement. Mr. Schmierer said that approval is a contract spelling out items that need to be done and the municipality having every right to enforce.

Avalon Bay will need to determine if there is any asbestos on the outside of the building and if there is, they will need to explain how they plan to remove and dispose of it.

Mr. Simon asked if the hospital provided documents regarding environmental testing at the hospital site. Mr. Vogel said that they did not and that was why they were doing their own testing. Mr. Simon asked if we had checked with DEP to make sure that we were complying with all requirements. Mr. Kiser said that Princeton received answers to our questions this past Friday.

Andrew Robbins said that in regard to cleaning up industrial sites, the Industrial Site Recovery Act forces companies to do the investigation work into the site cleanup.

Ken Paul, Ecological Sciences, said that there was no evidence of any incinerator ash or byproduct at the site. With many concerns by the public, John Mucha, Yannuzzi Wrecking said that the demolition would start from the east side or Harris Road side of the facility and a dust monitoring system would be placed downwind.

Areta Pawlynski, Harris Road expressed concern about sewer discharges. Mr. Paul said that during Phase II, testing were done in two spots in the sewer line and all samples came back clean and the volatile organic compound (VOC) testing was also clean. He said the lines were not tested for mercury and other heavy metals. Mr. Paul said that Phase II was limited because they were instructed to do so. Ms. Crumiller expressed concern and said that we should not have Avalon Bay tell us what is safe and what is not.

Tesh Patel, Henry Avenue asked why no questions were being asked and said that there was a need for an independent consultant to ensure the health and safety of the neighborhood. He said that it was about principal and that this is what the Mayor and Council were tasked with.

Mr. Simon said that new information indicates that the incinerator was not part of the planning process and asked that the hospital provide an affidavit that medical records were the only things destroyed in the incinerator and if they won't provide it then we should have an independent review. Mr. Vogel said that they will not get such an affidavit.

Ms. Crumiller asked if the municipality would consider hiring our own environmental consultant. Ms. Butler said that she didn't see why they shouldn't go this extra step to protect our best interests, noting that this is just good process. Mr. Kiser said that it certainly couldn't hurt. After discussion by Council, Ms. Butler offered a motion to authorize hiring and environmental consultant, not to exceed \$5,000. Mr. Miller seconded the motion which was carried unanimously.

Sue Nemeth, 196 Bayard Lane thanked Council for authorizing an independent consultant as we need proof that the site is clean and that we should look for the highest standards when it comes to public safety.

Peter Marks said that it was significant that no one knew that there was an incinerator on the site. He said that he felt that the independent consultant should be paid for by Avalon Bay.

Yaron Inbar, 93 Harris Road said that according to research at least three air monitors would be needed instead of just one as proposed, and that there would be a need for base sampling one month in advanced.

Dr. Marco Gottardis, Cancer Researcher said that it was critical to get an independent consultant to do soil and groundwater testing at the site. He said that he was shocked with the municipality's

cavalier attitude and that the municipality did not know about the incinerator. Dr. Gottardis said that there are numerous hospital sites that are brown fields and that he gave Mr. Kiser a list.

Evan Yassky, 254 Hawthorne Avenue said that the incinerator on the site was not disclosed until a citizen found out about it through an OPRA request in August 2013 and not acknowledged at the Planning Board hearings. He also spoke about the way letters from Avalon Bay have been written, that hinted but did not commit to more inspection of concealed asbestos.

Minnie Craig, 173 Witherspoon Street requested that neighborhood meetings be held to keep the residents updated on the project.

Mary Clurman, 121 Harris Road spoke to Council about the dangers of lead paint becoming airborne dust if it is not removed completely before demolition takes place.

Lyndon Estes spoke about sensitivity to particulate matter. He said that EPA research shows a minimum of four air monitors are necessary on the project site.

Mary Lempert asked if we should limit testing to the incinerator. Ms. Crumiller said that she would like to see a wider scope of testing.

REPORTS

Ms. Howard reported that the Police Accreditation process was very positive and moving along well.

Ms. Butler said that the opening of the Alexander Road roundabout has been delayed until February 9.

Benjamin Stentz, Recreation Director said that ice skating on Lake Carnegie is not safe due to the snow.

Mayor Lempert commended the staff for cleanup of the snow.

Opinion of Counsel – Committee Assignments

Discussion of this issue has been tabled until a future Council meeting.

RESOLUTIONS

14-29 Authorizing Click Fix Mobile Application Software, Not to Exceed \$9,000. Annual Cost and \$2,000. Onetime Setup Cost.

Ms. Butler offered a motion to approve resolution 14-29 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

14-30 Appointments Boards and Commissions.

Ms. Howard offered a motion to approve resolution 14-30 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

14-31 Approving Planning Board Attorney, Allen D. Porter, Esq., Not to Exceed \$7,500.

Ms. Howard offered a motion to approve resolution 14-31 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

14-32 Approving Special Conflict Council to Planning Board, Karen L. Cayci, Esq., Not To Exceed \$7,500.

Ms. Howard offered a motion to approve resolution 14-32 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

14-33 Approving Zoning Board Attorney, Karen L. Cayci, Esq., Not to Exceed \$20,000.

Ms. Howard offered a motion to approve resolution 14-33 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

14-34 Adoption of 2014 Leaf, Brush and Branch Collection Schedule.

Mr. Miller offered a motion to approve resolution 14-34 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

14-35 Approving Amended Budget Calendar.

Ms. Butler offered a motion to approve resolution 14-35 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

(Resolutions Appended To This Set of Minutes)

ORDINANCE INTRODUCTIONS

Alexander Street Parking

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE BY PRINCETON REGULATING PARKING ALONG PORTIONS OF ALEXANDER STREET, WITHIN THE ALEXANDER STREET COMMUTER LOT AND THE ALEXANDER STREET RETAIL LOT AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974".

John Heilner said that he thought that it was a great first step, but that it wouldn't solve the whole problem. He said that he expected that the town would hold Princeton University accountable.

Ms. Howard offered a motion to approve the proposed ordinance on first reading. Mr. Liverman seconded the motion, which was carried unanimously. The public hearing was set for February 18, 2014.

Handicapped Parking Space, Jefferson Road

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE BY PRINCETON DESIGNATING A HANDICAPPED PARKING SPACE ON JEFFERSON ROAD AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

Mr. Miller 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 February 18, 2014.

CONSENT AGENDA

a. Bills and Claims

b. 14-36 Banner Request for Community Options announcing Cupid's Chase 5K Race, to be hung over Washington Road, February 3-10, 2014.

c. 14-37 Banner Request for Bryn Mawr Wellesley announcing the 82nd Book Sale, to be hung over Washington Road, March 17-24, 2014.

d. 14-38 Banner Request for Princeton Glee Clubs announcing the Walter Noller Memorial Concert, to be hung over Washington Road, April 14-21, 2014.

e. 14-39 Resolution Approving Motion Picture Theatre License for the Garden Theatre.

Mr. Miller offered a motion to approve the consent agenda items "b-e. as presented. The motion was seconded by Ms. Howard and carried unanimously.

Mr. Simon offered a motion to approve item "a" Bills and Claims as presented. The motion was seconded by Ms. Butler and carried unanimously.

(Resolutions appended to this set of minutes.)

14-40 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:

4. 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.
5. The general nature of the subject or subjects to be discussed in said session is as follows:

Personnel - Attorney Selection
- Administrator Annual Review
- Personnel Committee Update

6. 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 12:20 a.m.

Linda S. McDermott
Municipal Clerk