These minutes not yet approved by the Princeton Council

PRINCETON COUNCIL MEETING
May 5, 2014

A regular meeting of the Mayor and Council of Princeton was held on this date at 7:00 p.m. in the Main Meeting Room, Witherspoon Hall, 400 Witherspoon Street, Princeton, NJ.

NOTICE OF MEETING

The Assistant to 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 3, 2014 at 11:50 a.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Town Topics, and filed with the Municipal Clerk.

ROLL CALL

The Assistant to the Clerk then called the roll.

Present:	Ms. Butler, Ms. Crumiller, Ms. Howard, Mr. Liverman, Mr. Miller, and Mayor Lempert.
Absent:	Mr. Simon
Also Present:	Ms. Monzo, Mr. Kiser and Ms. Maddox

PLEDGE OF ALLEGIANCE

Mayor Lempert asked all present to rise for the Salute to the Flag.

COMMENTS FROM THE PUBLIC

Mayor Lempert asked if anyone present from the public wished to address Council with an issue not listed on the agenda.

Stephanie Chorney spoke on starting an open dialogue about waste reduction strategies in the collective town. Ms. Chorney is chair of the Environmental Commission and co-chair of the Sustainable Princeton Waste Committee. The Environmental Commission and Sustainable Princeton have been focusing on a waste reduction vision and plan. Sustainable Princeton has set a goal to reduce waste by 50% by 2016, giving 2 years to implement a plan. In addition, the Environmental Commission and Sustainable Princeton will give monthly and quarterly reports on the progress of their efforts. The Princeton Environmental Committee has formed two committees to further investigate and delineate opportunities surrounding land fill waste, composting and yard waste management.

Paul Driscoll, Harris Road, would like the minutes of January 27, 2014 and March 10, 2014 to be amended to include all speakers that spoke on the dates listed. Mr. Discroll submitted to the Assistant to the Clerk a list of the names that should be included in the minutes. Council stated that the minutes will be amended and brought back to Council.

Linda Auerbach, Lytle Street, asked that her statement be enclosed in full in the minutes. The statement reads as follow: "To the Town Council, Tonight I wish to remember the late Paul Sigmund, who passed away at 85 on April 27 at Princeton Hospital. He was – as most people attending this evening will know – the husband of former Princeton Borough Mayor Barbara Sigmund, who died in 1990. Various local newspapers carried obituaries detailing Professor Sigmund's seemingly countless academic and professional credentials and accomplishments; but I will remember him always for the splendid – though unhistoric —thing he did at 4:30 a.m. on May 20, 2013, at Princeton Hospital. The previous evening at 9:00 I had accompanied by ambulance to Princeton Hospital a severely injured Guatemalan man who had shown up at my home after having suffered nearly five days from injuries – without competent medical care elsewhere –sustained in a 20-foot fall at work onto a concrete surface; there were multiple fractures. His boss/owner had taken him, still unconscious, to a nearby urgent-care center, ostensibly to avoid detection by the ever-worrisome workers-compensation insurer. After an eight-hour stint by the two of us in the Princeton Hospital E.R. –and with two large rotator-cuff tears somehow remaining undiagnosed until a week later by a specialist – this poor man and I were ushered to the E.R. waiting room and advised to call a taxi. Neither of us had the cash to cover the $50.00 cab fare. No buses. Four-thirty in the morning. Fortunately, I looked up at just the right moment and saw, from the back, a man vaguely familiar to me, thirty feet away, about to exit the waiting room. "Professor Sigmund" I yelled. "Please help us! Ayudanos!" He and the young man with him turned around to look. I explained the transport problem and the agony my friend was in. Without a moment's hesitation—he didn't even know it was Princeton we needed to get to!—Paul Sigmund offered us a ride. He spoke to my friend and me animatedly in Spanish the entire trip home. Never mind that it was now 5:00 a.m., that he was 84, and that he himself was exhausted, having just spent roughly eight hours in the E.R. himself. Not many people, in Princeton or elsewhere, would have done what Paul Sigmund did. After all, we were strangers. We could have been scam artists, maybe even hardened criminals. But strangers, nonetheless. That memorable line from "A Streetcar Named Desire," about depending upon the kindness of strangers... I would posit that kindness to others was no stranger to Paul Sigmund. I'd even lay odds on his having been guilty of such kindness, benevolence, and charity toward others throughout his life. Funny—I once hear "charity" defined as the predisposition to look upon one's fellow human beings favorably. "El tenia duende," the

Spaniards would say. My condolences to his family and friends, to all people, on the loss of this exceptional man."

CODE REVIEW DISCUSSION AND INTRODUCTION

An Ordinance By Princeton Concerning The Princeton Environmental Commission and Amending The "Code of the Borough of Princeton, New Jersey, 1974" And The "Code of the Township of Princeton, New Jersey, 1968"

Ms. Maddox explained that the ordinance governs the composition, duties and authority of the Princeton Environmental Commission. The ordinance closely tracks the provisions of state law NJSA 40:56A-1 et seq. The state law controls the establishment of municipal environmental commissions. Ms. Maddox states that the ordinance recognizes the ability of the Princeton Environmental Commission to develop and participate in programs and activities which support the Princeton Environmental Commission's goals. The ordinance qualifies this grant of authority by requiring the Princeton Environmental Commission to obtain the council's approval before developing or participating in programs.

Matt Wasserman, Chair, Environmental Commission, stated that the ordinance presented before council is different from what the Princeton Environmental Commission drafted. Mr. Wasserman questioned Section 12-7, e. in regards to the wording, *"The commission may review applications for development submitted to the planning board and offer written advice to said board which, in said commission's judgment, would alleviate or avoid negative environmental impacts"*. He recommended the ordinance read *"shall review"* instead of "*may review*". Council agreed that the wording should be changed to: *"The commission shall, at the commission's discretion, have the power to review applications for development submitted to the planning board and offer written advice to said board which, in said commission's judgment, would alleviate or avoid negative environmental impacts"*.

Ms. Maddox stated that there is a typo in Section 12-9. It currently reads *"in section 12-7 above, he..."*, however, it should be changed to *"in section 12-7 above, the..."*

Mr. Liverman stated that it would be practical for the Commission to present its goals for the year to Council at the beginning of the year.

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Stephanie Chorney commented that she liked the idea of the Commission providing its goals for the year to Council.

Seeing no one further Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Mr. Miller, seconded by Ms. Butler. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

An Ordinance By Princeton Concerning Landscaping Registration and Amending The "Code Of The Township Of Princeton, New Jersey, 1968"

Ms. Crumiller stated that the only change in the ordinance was language was added to require a form, and also naming of the form. The form will require the landscapers to fill out and answer questions that may be asked by Council, for example raking without leaf blowers, mulching mower and blowing leaves in the woods on the resident's property. Council has the discretion to make the requirements and post the answers on the town's website.

Mr. Liverman feels that the landscapers name and answers should not be on the website because it could affect the business.

Ms. Maddox stated it is the municipality's goal to create a resource for residents to be able to see what landscapers are registered with the town. Landscapers will be aware that this information will be public record and that besides their names and addresses any additional information they provide is voluntary.

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Linda Auerbach stated that she did not know that the Human Services office handled wage theft. She wanted to know how the municipality will enforce landscaping companies to register.

Ms. Howard stated that through educating the workers and the employers of their responsibilities and on what the municipality will be looking for.

Heidi Fichtenbaum stated that the Princeton Environmental Commission would tag on with the education and have an annual "Landscaper's Lunch and Learn" and make it mandatory in the ordinance. The lunch would provide educational information, wage theft information and methods on how to make landscaping more environmentally friendly.

Ms. Butler feels that it may not be necessary to include it in the ordinance but add it on the form and give credit to those who attend the lunch and learn.

Mr. Miller asked Ms. Maddox to check the legality of the municipality requiring a contractor, who is contracted by a private resident, to attend a mandatory meeting.

Stephanie Chorney supports the education of landscapers and also stressed the importance of getting the information out to the public, so that residents are aware that this information will be on the municipal website.

Ms. Maddox stated that there is a change in Section 10C-1 on the wording from *"forms to be supplied by said department"* to *"forms to be supplied to said department."* Also, a change in

Section 10C-4 *"persons registered are encouraged, but not required, to either compost leaves, branches and logs themselves, such as in wooded areas"* should be changed to *"persons registered are encouraged, but not required, to either compost leaves, branches and logs themselves on their own property, such as in wooded areas."*

Seeing no one further Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Mr. Miller with the amended changes, seconded by Mr. Liverman. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

Mayor Lempert stated that because of the time restraint Council should move forward with the introduction of the ordinances that were previously discussed at the last code review.

ORDINANCE INTRODUCTIONS

An Ordinance Concerning The Issuance Of A Certificate Of Compliance For Rental Units And Amending The "Code Of The Borough Of Princeton, New Jersey, 1974"

The ordinance was tabled to be brought back at the May 12, 2014 Council meeting for more clarification.

An Ordinance By Princeton Concerning General Provisions And Amending The "Code Of The Borough Of Princeton, New Jersey, 1974" And The "Code Of The Township Of Princeton, New Jersey, 1968"

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Ms. Howard, seconded by Ms. Crumiller. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

An Ordinance By Princeton Concerning Administration And Amending The "Code Of The Borough Of Princeton, New Jersey, 1974" And The "Code Of The Township Of Princeton, New Jersey, 1968"

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Mr. Liverman, seconded by Mr. Miller. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

An Ordinance By Princeton Concerning Parades And Amending The "Code Of The Borough Of Princeton, New Jersey, 1974"

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Ms. Crumiller, seconded by Ms. Butler. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

An Ordinance By Princeton Concerning Pay-To-Play Regulations And Campaign Contributions And Amending The "Code Of The Township Of Princeton, New Jersey, 1968"

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Ms. Crumiller, seconded by Mr. Miller. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

An Ordinance By Princeton Concerning Municipal Court And Amending The "Code Of The Borough Of Princeton, New Jersey, 1974" And The "Code Of The Township Of Princeton, New Jersey, 1968"

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Ms. Butler, seconded by Ms. Crumiller. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

An Ordinance By Princeton Concerning Peddling And Soliciting And Amending The "Code Of The Borough Of Princeton, New Jersey, 1974" And The "Code Of The Township Of Princeton, New Jersey, 1968"

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Ms. Crumiller, seconded by Mr. Miller. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

An Ordinance By Princeton Concerning Corner House And Amending The "Code Of The Borough Of Princeton, New Jersey, 1974" And The "Code Of The Township Of Princeton, New Jersey, 1968"

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Mr. Liverman, seconded by Mr. Miller. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

CODE REVIEW DISCUSSION AND INTRODUCTION

An Ordinance By Princeton Concerning The Hotel Usage Tax And Amending The "Code Of The Borough of Princeton, New Jersey, 1974"

Ms. Crumiller stated that we charge the highest possible hotel tax percentage.

Ms. Butler, confirmed, and stated that the percentage is 3%, which is limited by State statute.

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Ms. Butler, seconded by Ms. Crumiller. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

An Ordinance By Princeton Concerning Jogging And Amending The "Code Of The Township Of Princeton, New Jersey, 1968"

Ms. Howard stated that in Section 10A.1-1 that the wording, *"the council finds that due to the increased popularity of jogging it is advisable that for the purposes of public health, safety and welfare it is advisable to regulate jogging within Princeton"* should read *"the council finds that due to*

the increased popularity of jogging it is advisable that for the purposes of public health, safety and welfare to regulate jogging within Princeton."

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Mr. Miller with the amended wording, seconded by Mr. Liverman. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

An Ordinance By Princeton Concerning The Princeton Public Library And Amending The "Code Of The Borough Of Princeton, New Jersey, 1974" And The "Code Of The Township Of Princeton, New Jersey, 1968"

Mayor Lempert opened the public discussion and asked if anyone wished to address Council on this issue.

Seeing no one, Mayor Lempert closed the public discussion and returned to Council.

A motion was made by Ms. Howard, seconded by Mr. Miller. Mayor Lempert asked for a roll call vote which was carried unanimously by those present. Mayor Lempert proclaimed the ordinance introduced and the public hearing will be scheduled for May 27, 2014 agenda.

CLOSED SESSION

A motion to enter into closed session was made by Mr. Miller, seconded by Mr. Liverman and carried unanimously by those present.

14-138 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/Negotiations
Boards & Commissions
Negotiations – Potential Acquisition of Flood-Prone Property

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

Mayor and Council discussed the Boards and Commissions and Mr. Kiser discussed the potential acquisition of a flood-prone property.

There being no further business the meeting was adjourned at 9:30 pm.

Delores A. Williams
Assistant to the Clerk