

**These minutes not yet approved by Council.**

**PRINCETON COUNCIL MEETING  
June 9, 2014**

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

**NOTICE OF MEETING**

The Deputy Clerk noted that all meeting requirements had been met.

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 2, 2014 at 6:45 p.m. said notice 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 Deputy Clerk then called the roll.

Present: Ms. Crumiller, Mr. Liverman, Mr. Simon, Ms. Butler, Ms. Howard and Mayor Lempert.

Absent: Mr. Miller

Also Present: Mr. Bruschi and Trishka Cecil, Esq.

**PLEDGE OF ALLEGIANCE:**

All those present participated in the Pledge of Allegiance.

**MINUTES**

Ms. Butler offered a motion to approve the minutes of May 5, 2014 with one minor correction. Mr. Liverman seconded the motion which was carried unanimously by those present.

**COMMENTS FROM THE PUBLIC - Regarding Items Not on the Agenda**

Paul Driscoll, 141 Harris Road commented that at the neighborhood meeting held last week concerning the hospital site, a question was asked as to who would be responsible if someone was hurt from the site. He said that it was answered that Avalon Bay would be responsible and that a lawsuit could be filed against them. Mr. Driscoll continued that the neighbors cannot afford to bring a lawsuit against Avalon Bay and would hope that the Town would be the one to litigate.

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Linda Auerbach, 10 Lytle Street, presented a letter addressed to Mayor Lempert, Robert Kiser and William Drake, concerning a landlord collecting a cash deposit for a rental property that at this point and time is not rentable and asked if inspection notices could be posted in Spanish.

Jim and Martha McKinnon, 91 Edgerstoune Road, addressed Council concerning on-going issues that they are having with Russell Estates Homeowners Association concerning their lack of maintenance in the common areas, falling trees, failing to maintain storm water on the property and that the run-off has destroyed the north side of their property. He also stated ponds are filled with silt and have not been cleaned.

Mr. Kiser responded that he had been in contact with Russell Estates Homeowners Association and that removal of the siltation and debris from the detention basin low flow channels and removal of debris and cleaning of the detention basin outlet structure was to be completed by June 5<sup>th</sup>. He inspected the site and found that most of the siltation had been cleaned but the drainage access and trees still need to be taken care of. Mr. Kiser continued that he had sent a letter today to the Homeowners Association for items to be completed by July 14<sup>th</sup>.

Dan Rappoport, Holly House, stated that on Election Day political signs has been posted in front of the old Borough Hall building, he called the Clerk's Office and they were removed, but he later passed by again and signs had been replaced. No political signs should be placed on municipal property. Mr. Rappoport also asked Council to consider raising the requirements for affordable housing from 20% of units to 30%. He also asked that Council consider looking into an ordinance similar to that of Jersey City, where all employees receive sick time.

**PRESENTATION – Friends of Princeton Open Space, Mountain Lakes Area Management Plan**

Wendy Meager, President, Friends of Princeton Open Space (FPOS) presented to the Mayor and Council a check in the amount of \$25,000 as part of the installment payments from the \$300,000 that FPOS agreed to contribute. Ms. Butler asked Ms. Meager how much is still due? Ms. Meager stated that \$50,000 is still due and should be paid in the next two years. Ms. Meager also spoke briefly about the funding and implementation of the Management Plan.

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Ms. Meager introduced Adam Schellhammer, Natural Resource Manager, who gave a power point presentation (attached) concerning the Management Plan for the Mountain Lakes Management Area.

He explained that the Mountain Lakes Nature Preserve, John Witherspoon Woods and Mountain Lakes North are referred to as the Mountain Lakes Management Area and that the mission is to actively manage the area in order to improve native plant diversity and increase habitat value. He also spoke about invasive plant species and that management required is a multifaceted approach. Mr. Schellhammer said that volunteer efforts from members of the community are paramount in the continued success of the program.

In answer to a question from Ms. Butler about evasive plant management, Ms. Meager responded that New Jersey has a great website addressing this issue and they will work to get the word out.

## **REPORTS**

Mr. Liverman reminded everyone that Special Olympics are coming up and to expect additional traffic in town. Kristen Appelget, Princeton University, added that the Merchants Association and Visitors Bureau are setting up free shuttles for events scheduled during the day.

Ms. Butler mentioned that the CP Pool had 3,600 visitors this past weekend. She also noted that pool membership is up and that summer camp registration is still on going.

Mr. Simon said that the organics program has 962 participants, which does not include about 100 people who have not yet re-registered for the program.

Mayor Lempert congratulated Mr. Miller and Ms. Butler on their re-election to Council.

Mr. Kiser stated that road work is still continuing on Mercer Road and Park Place. He also gave a status report on the Avalon Bay site (report attached), stating that they are continuing to monitor the site and that underground tanks have been removed and are waiting on additional testing reports. He also noted that the asbestos removal work was more than anticipated and will take an additional eight weeks.

Ms. Butler asked about the underground tank removal, Mr. Kiser stated that it was #6 oil and because of the thickness of the oil leaks do not travel and that the area was excavated and soil removed.

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Mr. Simon questioned if workers are returning home in the clothing that they work in. Mr. Kiser responded that Avalon Bay has provided changing areas and lockers in the building for workers to use and they that have been informed that it is available to them.

### **WORK SESSION – Retail Business Hours of Operation**

Lee Solow, Planning Director said that his office has received a number of concerns/complaints regarding the hours of operation for businesses and their impact on surrounding residential neighborhoods. The issue is often framed as a quality of life issue for residents living adjacent to retail businesses during late night and early morning hours. Complaints regarding noise, litter, car doors slamming, and crowds congregating in close proximity to residential areas. Mr. Solow continued that staff has researched some of the posted hours of operations for various businesses, and for the most part they open after 8am and close by 9pm with a few exceptions like the CVS and Hoagie Haven and Dominos. Mr. Solow said that the Planning Board cannot impose a condition if an ordinance is not in place, and if Council does move forward with an ordinance, they may wish to consider limiting opening hours to 5 or 6 am and closing hours between 12 and 2 am. Exemptions should be carved out for liquor license holders as they are regulated under other sections of the municipal code and for 24 hour pharmacies.

Mr. Liverman stated they may wish to also exempt urgent care centers. Mr. Simon agreed with that suggestion and also added emergency veterinary facilities.

Martin Schniederma, 47 Murray Place, thanked Council for considering an ordinance and noted that some precedent had been set with Camden adopting this type ordinance. People are looking for some reasonable hours for closures and when they can be enforced.

Council members asked if police have received complaints. Ms. Howard suggested meeting with the Public Safety Committee.

Kristin Appelget, Director of Community and Regional Affairs at Princeton University addressed Council with concerns if an ordinance was to move forward. She asked Council about the Garden Theatre, would they be affected as they do back up to a residential neighborhood and also asked that WAWA be included to remain open for 24 hours. She also asked Council to consider lot sizes that abut residential districts but are large lots.

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Ms. Butler asked if the Police have received any complaints from residents concerning the Garden Theatre. Mr. Solow stated that they certainly will consult with the Police.

Richard Ryan, Ivy Inn, 248 Nassau Street, stated that as an establishment holding a liquor license he would be exempt from the regulations, but he is very concerned about limitations being placed on other business simply because they do not have a liquor license.

It was the consensus of Council to explore the possibility of creating an ordinance. Mr. Solow suggested building a draft ordinance so that Council will actually have something to work from. Mr. Solow said he would start with doing a more complete survey of current business operation hours.

## **RESOLUTIONS**

14-173 NJ State Contract A81311 L-3 Mobile Vision Inc, for new Mobile Data Terminals for the 4 new police vehicles, Not to Exceed \$23,077.11. Ms. Crumiller offered a motion to approve the resolution, as amended, removing the reference to the capital budget years in which the money was appropriated. The motion was seconded by Ms. Howard and carried unanimously by those present.

14-174 NJ State Contract A81311 L-3 Mobile Vision Inc, for new Mobile Vision Camera's for the 4 new police vehicles, Not to Exceed \$23,856.36.

14-175 NJ State Contract A81311 L-3 Mobile Vision Inc, for new Mobile Vision Camera Software for the 4 new police vehicles, Not to Exceed \$11,757.99 Mr. Liverman offered a motion to approve the two resolutions, as amended, removing the reference to the capital budget years in which the money was appropriated. The motion was seconded by Mr. Simon and carried unanimously by those present.

14-176 Professional Services Agreement, PCH Development Corp, Affordable Housing Coordinator, Not to Exceed \$26,460. Mr. Liverman offered a motion to approve the resolution. The motion was seconded by Ms. Crumiller and carried unanimously by those present.

14-177 Professional Services Agreement, Accredited Environmental Technologies, Inc., Not to Exceed \$1,650.00. Ms. Crumiller offered a motion to approve the resolution. The motion was seconded by Mr. Liverman and carried unanimously by those present.

## **ORDINANCE INTRODUCTIONS**

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE BY PRINCETON ACCEPTING A SANITARY SEWER EASEMENT ON A PORTION OF BLOCK 9301, LOT 10, PRINCETON TAX MAP. The Princeton Sewer Operating Committee has determined that it would be appropriate to accept a new sanitary sewer easement on the above-referenced property.

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Ms. Crumiller offered a motion to approve the proposed ordinance on first reading. Mr. Liverman seconded the motion, which was carried unanimously by those present. The public hearing was set for July 14, 2014.

Mayor Lempert read by title on first reading a proposed ordinance entitled BOND ORDINANCE PROVIDING FOR THE SANITARY SEWER SYSTEM AND ROAD RECONSTRUCTION PROJECT IN AND BY PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,515,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,439,250 BONDS OR NOTES OF PRINCETON TO FINANCE PART OF THE COST THEREOF. Mr. Simon asked about the Section 20 costs listed in the ordinance as they do not reflect the number in the capital budget. Ms. Webb explained that the Section 20 costs in the capital budget are a total amount, where the ordinance contains only the portion for this specific ordinance. Ms. Crumiller offered a motion to approve the proposed ordinance on first reading. Mr. Liverman seconded the motion, which was carried unanimously by those present. The public hearing was set for July 14, 2014.

Mayor Lempert read by title on first reading a proposed ordinance entitled BOND ORDINANCE PROVIDING FOR GENERAL PARKING UTILITY REPAIRS AND THE SPRING STREET GARAGE EMERGENCY POWER SYSTEM IN AND BY PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$95,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$90,250 BONDS OR NOTES OF PRINCETON TO FINANCE PART OF THE COST THEREOF. Ms. Butler asked what this was specifically for. Mr. Bruschi responded that it is for a generator for the municipal garage. Mr. Simon asked why isn't this an operational item? Ms. Webb responded that since the budget was already adopted, this purchase had to be done as a bond ordinance, but knowing that we will not issue debt for the generator, it can be moved to a future year budget. Ms. Crumiller offered a motion to approve the proposed ordinance on first reading. Mr. Liverman seconded the motion, which was carried unanimously by those present. The public hearing was set for July 14, 2014.

Mayor Lempert read by title on first reading a proposed ordinance entitled BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$7,554,071 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,176,367

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BONDS OR NOTES OF PRINCETON TO FINANCE PART OF THE COST THEREOF. Mr. Simon asks Ms. Webb why is funding in full amounts for purchasing, what about grants? Ms. Webb responded there is language in the ordinance for potential grants but the ordinance has to list the total amount. Ms. Crumiller offered a motion to approve the proposed ordinance on first reading. Ms. Howard seconded the motion, which was carried unanimously by those present. The public hearing was set for July 14, 2014.

### **ORDINANCE PUBLIC HEARING**

Mayor Lempert read by title an ordinance entitled 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".

Mayor Lempert opened the public hearing.

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

Mr. Liverman offered a motion to approve the ordinance on second and final reading. Ms. Crumiller seconded the motion, which was carried unanimously by those present.

**CONSENT AGENDA**– Contains items of a routine nature, which are approved by a single vote.

a. Bills and Claims

b. Maintenance/Performance Guarantees:

- Princeton University, Hibben-Magie, Extension of time to December 31, 2014.
- Fountain Ridge LLC (formerly Copperwood), Performance guaranty reduction to a new amount of \$392,274.12 and extension of time September 22, 2014.
- Westerly Road Church Subdivision, Westerly Road and Mountain Avenue, Performance guarantee reduction to a new amount of \$11,250.
- Tenacre Foundation, NW Wing Addition & Cottage Project, Release of maintenance

guarantee.

c. 14-178 Fire Department Membership for Nicholas Horvath

d. 14-179 Banner Request, The Stony Brook-Millstone Watershed Association announcing the Butterfly Festival, Monday, July 28<sup>th</sup> and taken down on Monday, August 4<sup>th</sup>.

e. 14-180 2014-2015 Liquor License Renewals

f. 14-181 Resolution, Professional Services Agreement with the Princeton Senior Resource Center, January 1, 2014 to December 31, 2014, Not to Exceed \$120,892.

Ms. Crumiller asked for item e to be removed. Mr. Simon asked for item f to be removed.

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Ms. Crumiller offered a motion to approve the consent agenda removing items e and f. Mr.

Liverman seconded the motion, which was carried unanimously by those present.

Mr. Crumiller had a question about items attached to the 2014-2015 Liquor License Renewals. It was noted that the items attached were previously approved documents that had inadvertently be attached.

Ms. Crumiller offered a motion to approve item e. Mr. Liverman seconded the motion, which was carried unanimously by those present.

Mr. Simon asked if the contract amount on item f. had been corrected on the resolution. The Clerk said it was. It was noted that the increase is above the 2% percent CAP, and future items should be flagged for discussion by Council.

Mr. Simon offered a motion to approve item f. Mr. Liverman seconded the motion, which was carried unanimously by those present

Mr. Liverman mentioned that the Princeton Senior Resource Center would come before Council in July or August to report.

#### **CLOSED SESSION**

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

#### **14-182 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:

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Negotiations/Litigation

- Lanwin Development
- Police Lawsuit Status
- Avalon Bay

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 Administrator and Attorney were present with the Mayor and Council to discuss the above items.

There being no further business the meeting was adjourned at 10:25 p.m.

Kathleen Brzezynski, Deputy Clerk