These minutes not yet
Approved by the Princeton Council

PRINCETON COUNCIL MEETING
June 23, 2014

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 2014 Schedule of Regular Meetings. On January 2, 2014 at 6:45 p.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Torontonian, 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, Miller, Simon And Mayor Lempert.

Absent: None.

Also Present: Ms. Monzo, Mr. Kiser, and Ms. Cecil.

PLEDGE OF ALLEGIANCE

The audience participated in the Pledge of Allegiance.

MINUTES
April 21 and May 12, 2014

Mr. Miller offered a motion to approve the minutes of April 21, 2014 as presented. Ms. Butler seconded the motion which was carried by five affirmative votes. Mr. Simon abstained from the vote.

Mr. Liverman offered a motion to approve the minutes of May 12, 2014 as presented. Ms. Crumiller seconded the motion which was carried unanimously.

COMMENTS FROM THE PUBLIC - Regarding Items Not on the Agenda

Isaac Lederman, Princeton University spoke in favor of the Mayor and Council addressing an ordinance banning fracking on a future Council agenda.

Lauren Petrie, Food and Water Watch also spoke in favor of a proposed ordinance banning fracking. She said that Princeton is poised to become the first municipality in Mercer County to ban fracking.

Mary Ellen Merino, 9 Horner Lane, Food and Water Watch thanked Council for considering a ban on fracking.

Linda Auerbach, Lytle Street asked Mr. Kiser if there was a way for him to check on a blue Yanuzzi van recently parked at the Avalon Bay site that was leaking a large amount of liquid.

Paul Driscoll, Harris Road discussed with Council potential ways to let the public know about intended projects. He also said that he had questions about ordinances that were scheduled for public hearing on July 14, 2014. Mayor Lempert said that his questions could be addressed at the public hearing and that Ms. Crumiller could take some of his questions back to the Code Review Committee.

REPORTS

Ms. Howard said that Chief Sutter was working on a format for the monthly police report and ways to make the report publically available. Ms. Howard also reported that staffing levels are at 51 officers employed and 48 currently working. She said that they will be coming to Council in the near future to discuss potential hires.

Ms. Howard also noted that Animal Control has now moved to the Police Department. She said that Jeff Grosser, Health Officer has reported instances of rabid raccoons and suggested that if anyone had any questions of illness in raccoons, they should call Animal Control and Police. Ms. Monzo said that she recently reviewed the animal control protocols with Mr. Grosser and Lt. Currier.

Ms. Crumiller said that the Environmental Commission is currently working with Sustainable Princeton on an Environmental Leaf Management Program. She also said that there will be a meeting on July 23, 2014 with landscapers to begin an education process. Ms. Crumiller also said that the Environmental Commission will begin developing a five year tree management plan.

Mr. Liverman said that a mixture of recycling and garbage are being left in recycling containers Spruce Circle.

Ms. Butler said that the Community Park Pool has had 18,000 visitors in the 19 days that the pool has been open. She said that the Day Camp and the Teen Travel Camp begin on Thursday and also noted that the garden plots have been sold out.

Ms. Butler also announced that she is stepping down as liaison to the Traffic and Transportation Commission due to conflicts with the meeting schedule.

Mayor Lempert said that she recently attended a health conference in Washington, DC and spoke on behalf of Princeton, who is being held as a national model for other states.

Mayor Lempert said that she attended a press conference calling for changes to make college more affordable and accessible.

PRESENTATION
Shirley M. Bishop, P.P., LLC
COAH's Proposed Third Round Rules and the Impact on Princeton

Ms. Bishop discussed with the Mayor and Council COAH's proposed third round rules which were published on June 2, 2014. The proposed rules gave the consolidated Princeton a 151– unit rehabilitation obligation, a zero prospective need obligation (2014-2024) and an unanswered prior obligation of zero (1987-1999; 1999-2014).

Ms. Bishop said that the rehabilitation share is the total housing deficiency by surrogates that is tabulates for each municipality to 2014.

Mayor Lempert said that Princeton is proud that we have a strong commitment to affordable housing. She asked that if the state has no obligation then does it mean we cannot build. Ms. Bishop said that was a good question for COAH.

Ms. Crumiller said that she understood that rehabilitation was not an option. Ms. Bishop said that it was a second option. As the rehabilitation program is currently in place and she assumes it will continue.

Kate Warren, Housing Board said that she did not understand where the numbers came from. Ms. Bishop said that the 151 units came from the census and that the American Community Survey data was the basis for the calculation.

Mr. Liverman said that Princeton should congratulate itself for being in the forefront as affordable housing is a necessity.

Ms. Butler said that she agreed with Mr. Liverman's comments but said that she found the number for 151 units perplexing and that we cannot do business as usual. She asked if Council could come together as a group for comments to COAH or possibly form a subcommittee. Ms. Bishop said that all comments are due to COAH in electronic format by August 1, 2014.

Mayor Lempert suggested that the Affordable Housing Board draft a response to COAH

Mr. Simon said that he agreed with his colleagues comments. He said that Borough Council used rules that were in place at the time for Avalon Bay, and these figures seem to go beyond that. Mr. Simon asked if we were also obligated beyond the 151 units. Ms. Bishop said no, we are only obligated to the 151 units.

Jim Floyd, Harris Road asked Council to start tomorrow to use people to include affordable in your thinking and to put people first on your agenda.

ORDINANCE PUBLIC HEARING

Authorizing Purchase of Block 5701, Lot 16

Mayor Lempert recused herself from this discussion.

Mr. Miller read by title an ordinance entitled AN ORDINANCE AUTHORIZING PRINCETON TO ACQUIRE BLOCK 5701, LOT 16, PRINCETON TAX MAP FOR THE SUM OF $625,000.00 UTILIZING FUNDS FROM THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT, FEMA GRANT PROGRAM, PROJECT NO. RFC-PJ-02-NJ-2011-01 AND FROM THE MUNICIPAL OPEN SPACE TRUST FUND.

Mr. Miller asked Mr. Kiser to give a brief history of the property.

Mr. Kiser said that the property has an extensive history that dates back to 2002 with a significant flooding event. The Township received a grant from the Office of Emergency Management for the preparation of a Flood Mitigation Plan and one property continually stands out in a two year flood event location. Mr. Kiser said that FEMA has made numerous payments over the years. In 2007, funding was denied.

Mr. Liverman said that he was 100% on board with the proposed ordinance and purchase as the property is dangerous. He said that if we don't do this now, the grant will go away and that right now, we couldn't ask for a better outcome.

Ms. Crumiller said that she has some hesitancy about the purchase price.

Ms. Howard said that if we don't act tonight we may lose this opportunity for the federal grant. It is a matter of public health, and while it's never fun, she would support the proposed ordinance.

Ms. Butler asked if the federal money would continue if there are events at this home. Mr. Kiser said that there are health issues and that the tenants are asking for help. He said that the grant money goes away if it is not used by September 12, 2014.

Mr. Miller said that the property has a tortured history and that there are people involved with this who are asking for help. He said that Council is faced with the choice of what is the least bad option.

Mr. Miller opened the public hearing.

Dawn Day, 99 Meadowbrook Drive said that she has lived through many incidents at this property and that people can be hurt by this situation. She asked where else can Council pay $30,000. for a property and get a pocket park. She asked that Council consider the human aspect and vote in favor of the proposed ordinance.

Eli and Molly Wasserman, said that the kids call the house the "flood house", and said that it is a good idea to take it down.

Doug Davis said that he has a problem with the price being paid and why the municipality should pay a premium for it when the current owner bought it at auction.

Henry Singer, Laurel Circle said that flooding is a question of when not if. He asked that we not pay above market value and instead condemn.

Jeff Orleans, 107 Meadowbrook Drive said that he would be glad to write his tax check to abate this terrible nuisance to the neighborhood. He asked that we get rid of it once and for all.

Jim Altman, Executive Director, SBWA, said he commended the work of Mr. Kiser and strongly encourages Council to take this action. He said that it was an extraordinary proposition and that we are entering into an era where we will be seeing more rain and flooding. Mr. Altman said that it is the

environmentally and socially responsible thing to do.

Victoria Bell, Meadowbrook Drive said that there is a clear misunderstanding between the landlords and the tenants. She said that the house sits in a stream and floods immediately and people are being abused.

Dale Meade, 48 Oakland Street said that he has lived in Princeton 42 years and have been dealing with water. He said that while he sympathized with the neighbors, he was concerned with the price and that the beneficiary of this action is the landlord. He asked that Council take a look at true market value again.

Matt Wasserman, 162 Meadowbrook Drive said that he didn't see the issue, noting that the town only pays $30,000. for open space.

Mr. Kiser said that demolition costs for the house would be additional, and comes out of the FEMA grant. He said that the only cost to the municipality is $30,000 from the Open Space Fund.

Nira Livid, owners of 59 Meadowbrook, said that they are also victims as they did not know about the flooding issues when they bought the property. She said that the tenants had been notified, that they were open with everything and demanded that the tenants get flood insurance. She said that the abuse is painful and unfair. She thanked Mr. Kiser for all his help

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

Ms. Howard offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Mr. Liverman and carried by five affirmative votes. Mr. Simon voted in the negative.

RESOLUTIONS

14-184 Professional Services Agreement, Fusion Marketing, Call Center Marketing Services, $12,000.

Mr. Miller offered a motion to approve resolution 14-184 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

14-185 IT Strategic Plan

Ms. Crumiller offered a motion to table resolution 14-185 as presented. The motion to table the resolution was seconded by Mr. Simon and carried unanimously.

14-186 Safe Routes to Schools Grant Application Endorsement

Ms. Butler offered a motion to approve resolution 14-186 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

14-187 Interlocal Agreement with Lawrence Township for Resurfacing of Province Line Road, Not to Exceed $67,500.

Ms. Howard offered a motion to approve resolution 14-187 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

14-188 Professional Services Agreement, Community Grants, Planning & Housing, Small Cities Grant Application, Not to Exceed $5,440.

Ms. Butler offered a motion to approve resolution 14-188 as presented. The motion was seconded by Mr. Miller and carried unanimously.

14-189 2014-2015 Liquor License Renewals

Mr. Miller offered a motion to approve resolution 14-189 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

14-190 Professional Services Agreement, Neil Yoskin Esq., Co-Counsel Avalon Bay Litigation

Mr. Miller offered a motion to approve resolution 14-190 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

(Resolutions Appended To This Set of Minutes)

ORDINANCE INTRODUCTIONS

Bond Ordinance, Sidewalks Edgehill Street

Mayor Lempert read by title on first reading a proposed ordinance entitled BOND ORDINANCE BY THE MUNICIPALITY OF PRINCETON AUTHORIZING AS A LOCAL IMPROVEMENT THE RECONSTRUCTION OF SIDEWALKS ALONG EDGEHILL STREET, APPROPRIATING THE SUM OF $65,000.00 THEREFOR, PROVIDING FOR THE FINANCING OF SAID APPROPRIATION BY THE MAKING OF A DOWN PAYMENT AND ISSUANCE OF BONDS OR NOTES OF SAID

MUNICIPALITY AND FURTHER PROVIDING FOR THE SPECIAL ASSESSMENT OF FIFTY (50%) PERCENT OF THE COST THEREOF.

Ms. Butler 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 July 28, 2014

Creating No Parking Zone, Alexander Street

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE CREATING NO PARKING ZONES ON A PORTION OF ALEXANDER STREET AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968". (Public Hearing July 28, 2014)

Mr. Liverman 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 July 28, 2014

Leaf & Brush

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE BY PRINCETON CONCERNING THE LEAF, BRANCH AND LOG COLLECTION PROGRAM AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968". (Public Hearing July 28, 2014)

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 July 28, 2014.

ORDINANCE PUBLIC HEARINGS

Relocating Metered Parking Space Chambers Street

Mayor Lempert read by title an ordinance entitled AN ORDINANCE BY PRINCETON RELOCATING ONE METERED PARKING SPACE FROM THE EAST SIDE TO THE WEST SIDE OF

CHAMBERS STREET 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.

Ms. Butler offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Ms. Crumiller and carried unanimously.

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

a. Bills and Claims

b. 14-191 Fire Department Membership for Robert Quinn

c. 14-192 Fire Department Membership for Andrew Nagle

d. 14-193 Authorization for Fireworks Display, Spirit of Princeton Independence Day Celebration, July 2, 2014 at dusk.

e. 14-194 Authorizing Recycling of Obsolete Computer Equipment

f. 14-195 Appointments Boards and Commissions

g. 14-196 Resolution to Release Political Caucus Opinion

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

Mr. Miller offered a motion to approve consent agenda item "g" as read into the record by Ms. Cecil. The motion was seconded by Ms. Howard and carried unanimously.

(Resolutions appended to this set of minutes.)

10:40 p.m.
14-197 CLOSED SESSION

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
   -Police Staffing

   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 issue was discussed by the Princeton Council.

There being no further business the meeting was adjourned at 10:50 p.m.

Linda S. McDermott
Municipal Clerk

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Memorandum

To: Mayor and Princeton Council

From: Shirley M. Bishop, P.P.

Date: June 18, 2014

Re: COAH's Proposed Third Round Rules and Impact on Princeton

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I. BACKGROUND

COAH published third round rules on June 2, 2014. Those proposed third round rules gave the consolidated Princeton a 151-unit rehabilitation obligation, a zero prospective need obligation (2014-2024) and an unanswered prior obligation of zero (1987-1999; 1999-2014).

How COAH arrived at the above proposed methodology (and I stress "proposed") is explained below.

II. REHABILITATION SHARE

The rehabilitation share is the total housing deficiency by surrogates that is tabulated for each municipality to 2014.

The American Community Survey data was the basis for the calculation. Three housing quality surrogates were used for housing deficiency. They are:

1. Persons per room: 1.01 or more persons per room in units built before 1960 (50+ years or older);
2. Plumbing Facilities: lack of sink, toilet or tub/shower and
3. Kitchen Facilities: lack of a sink with piped water, a stove or a refrigerator.

A unit has to have at least one of the above to be considered deficient and occupied by a low/moderate income household.

COAH's methodology calculated 131 overcrowded units built before 1960, 14 with incomplete plumbing and 108 with incomplete kitchens for a total of 253. COAH then deducted for double counting (214) and multiplied by a low/moderate income share to yield 151 deficient units.

Only units rehabilitated after July 1, 2014 are credited toward this 151-unit obligation.

A municipality may perform an exterior survey if the rehabilitation share is considered too high or unrealistic.

III. BUILDABLE LIMIT CAPACITY

This is a new component to COAH's methodology and is critical as to how the consolidated Princeton realized a zero obligation for prospective need and unanswered prior obligation.

In this methodology, development capacity determined developable land and the ability to accommodate affordable units. Princeton's prospective need was adjusted downward as a result of Princeton's buildable limit capacity of zero, according to the methodology.

The following describes the process for determining a municipality's buildable limit capacity:

1. The state was divided into five regions:
    a. PA 1 land – urban;
    b. PA 1 land – suburban;
    c. Other PA 1 land;
    d. PA 2 land in designated centers and in sewer areas; and
    e. No Growth: PA 3, 4 A,4 B and 5 – no sewer and no designated center
2. Then, the methodology divided the state into three regions: North, Central, South and
3. Next, each region was given a density and adjustments were made.

    The end result was a buildable limit capacity for each municipality. No data on the municipal level was provided.

IV. PROSPECTIVE NEED

Prospective need is the obligation for 2014-2024

For the consolidated Princeton, COAH calculated 240 low/moderate income households as the need, plus 15 in group quarters, minus 28 households with assets, plus 10 vacancies, minus 38 units for filtering, minus 14 units for conversions, plus seven units for demolition and plus 18 units for the urban aid adjustment. The calculation resulted in an adjusted prospective need of 211 units. That 211 would be the consolidated Princeton's prospective need but it was reduced to zero because of the buildable limit capacity described above.

V. UNANSWERED PRIOR OBLIGATION

The unanswered prior obligation includes the new construction obligation from 1987-1999 and the prior need from 1999-2014. The prior obligation is reduced by past completed affordable housing and publicly subsidized housing.

Only half of the unanswered prior obligation is to be addressed between 2014 and 2024. The balance is to be addressed between 2024 and 2034.

For this obligation, COAH determined the consolidated prior obligation to be 649 units for 1987-1999 and 78 units for the period 1999-2014.

Then, COAH credited the consolidated Princeton with 554 past affordable housing completions and a 186-unit vacant land adjustment leaving an unanswered prior obligation of minus 15 units with a zero obligation because of the buildable limit capacity.

The implementation of the unanswered prior obligation is governed by N.J.A.C. 5:93, the second round rules.

VI. WHAT DOES THIS MEAN?

As I mentioned above, these rules are only proposed. Fair Share Housing Center (FSHC) has filed a lawsuit with the New Jersey Supreme Court. The core of the motion is that this proposed methodology is not similar to COAH's second round methodology which the Court directed COAH to use.

In addition, the New Jersey Builders Association is expected to file a motion shortly and there may be more.

There is a public housing on July 2, 2014 at the New Jersey Housing and Mortgage Finance Agency, if you are interested in attending and speaking.

COAH is also accepting comments to the proposed rules. One comment that Princeton could make is to credit completed rehabilitation after July 1, 2010 instead of July 1, 2014. Princeton has rehabilitated units between 2010 and 2014 and under the proposed regulations, those units will not be credited.

VII. NEW COMPONENTS

Even though Princeton does not have a new construction obligation, I am highlighting the changes to the implementation of the prospective need. Only four housing options are offered:

1. Inclusionary zoning (preferred method);
2. Community residences for the developmentally disabled;
3. 100 percent municipal construction and
4. Redevelopment

A 10% set-aside is proposed with no densities provided. In addition, a detailed and expensive Economic Feasibility Study is required for all sites in the plan.

VIII. ELIMINATED HOUSING OPTIONS

The following options were eliminated to address prospective need:

1. Rental bonuses
2. Rental obligation
3. Family requirement
4. Accessory apartments
5. Market to affordable program
6. Permanent supportive housing
7. Affordable housing opportunities
8. Minimum densities
9. Assisted living residencies
10. Extension of expiring controls

IX. NOTABLE DATES

All comments are due in electronic form to COAH by August 1, 2014.

Unless the New Jersey Supreme Court rules otherwise, the proposed rules will be adopted on November 17, 2014 with new plans to be filed with COAH on May 15, 2015.