PRINCETON COUNCIL MEETING
March 10, 2014 Amended

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 March 6, 2014 at 2:15 p.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Torontonian, the Town Topics, and filed with the Municipal Clerk.

ROLL CALL

The Municipal Clerk then called the roll.

Present: Mesdames Butler (6:05 p.m.), Crumiller, Howard and Messer Liverman, Miller and Simon (6:05 p.m.) and Mayor Lempert.

Absent: None.

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

6:00 p.m. 14-66 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

   - Police Chief
   - Princeton Community Television

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 Community Park fourth graders - Mojisola Ayodele, Jimmy Weinstein, Hillary Allen, Nicholas Bazarko, Rem Cuai , Kendall Williamson, Dominic Parker, Sophia Nathan, Peter Knigge

MINUTES
August 5 and 26, 2013, February 18 and 19, 2014

Ms. Howard offered a motion to approve in block the minutes of August 5 and 26, 2013, February 18 and 19, 2014 as presented. Mr. Miller seconded the motion which was carried unanimously.

PROCLAMATION: Princeton Tiger Youth Hockey Champs

Mayor Lempert read a proclamation congratulating Princeton Youth Hockey on their recent championship season.

COMMENTS FROM THE PUBLIC - Regarding Items Not on the Agenda

Hendricks Davis, 232 John Street asked that Council to better regulate parking in the Witherspoon/Jackson area, exempting permit holders without charge.

PRESENTATION/ DISCUSSION
-CFAC Debt Policy and Surplus Policy
- 14-67 Resolution, Debt and Surplus Policy

Scott Sillars, CFAC reviewed with Council a power point presentation regarding the proposed debt and surplus policy. He said that the objectives were to establish policies governing capital planning and spending, debt levels and management process, current fund balance and policies to manage our finances to maintain that level of surplus.

Mr. Sillars said that the CFAC recommended that debt limits be kept in regard to general debt, current fund debt, total debt and state defined debt and processes be put in place regarding the borrowing only when the money has been spent, not borrowing for personnel costs and reviewing the anticipated borrowing plan annually.

Mr. Sillars said that he recommended the adoption of the proposed policies, that the policies can and should be revisited and revised, and that the CFAC is available for follow up discussions.

Mr. Miller asked if the cost of creating capital surplus has been moved off onto tax payers. Mr. Sillars said that it would be only if the money has been spent.

Mr. Simon said that you normally cannot spend what you don't have and could we systematically whittle down long term debt. Mr. Sillars said that it made sense to break down capital debt over time.

Ms. Crumiller asked if there was a general consensus among the CFAC for the plan. Mr. Sillars said that there was.

Ms. Crumiller offered a motion to approve Mr. Hough's proposal for pothole repair. The motion was seconded by Mr. Millet and carried unanimously. Mr. Hough said that he would begin compiling the bid documents.

(Presentation appended to this set of minutes)

-Avalon Bay

Municipal LSRP Expert Report, Ira Whitman, PE, PhD, LSRP

- 14-68 Resolution, Avalon Bay Developers Agreement - Tabled

Ira Whitman, LSRP reviewed with the Mayor and Council his report regarding environmental issues at the University Medical Center at Princeton site.

Mr. Whitman said that there was evidence of a medical waste incinerator constructed by 1963 to 1968. The incinerator has not operated since the 1980's or 1990's. He said that his position was that the incinerator rises to the level that environmental sampling has to take place.

Mr. Whitman also said that the demolition plan that has been presented is a very good one but that he is concerned about the possible presence of PCB's in crushed concrete and in building materials. He said that it is unlikely that PCB's are there, but that he had been in enough sites in New Jersey in recent years where it has happened. Mr. Whitman also recommended that Avalon Bay conduct additional soil test prior to the demolition for cadmium, mercury, dioxins and other substances and add three additional air monitors to be installed on the site in addition to the one proposed by Avalon Bay.

Mayor Lempert asked what should be done should hazardous material be found at the site. Mr. Whitman said that extraction should take place under appropriate procedures. He said that it was rare and less likely to happen as the incinerator has not operated in 20 years.

Ms. Butler asked that during the Mercer Street project if there had been a noise monitor. Mr. West said that there was not. Ms. Butler said that that concerned her as the breaking up of concrete during the project had been really noisy.

Mr. Simon expressed concern that Mr. Whitman had negotiated with Avalon Bay representatives and compromised on recommendations made in his initial report. Mr. Whitman said that he had removed some of his original recommendations. Mr. Simon said that he wanted to know what Mr. Whitman's original recommendations were and exactly what compromises were proposed in the agreement. Mr. Simon also said that he had trouble following the recommendation on lead tested. Mr. Whitman said that if lead levels exceeded the allowable limit, then it would have to be mitigated from the site.

Mayor Lempert said that she recommended that Mr. Whitman process the comments made tonight and take another look at the records to see if he wanted to stand by his report or make modifications.

The Mayor then opened the discussion up for public comment.

Joe Small, Hawthorn Avenue said that he was shocked that an independent report had been negotiated.

Sam Hamod, Witherspoon Street said thanked Council for raising important questions noting that there was a difference between intent and will do.

Joseph Weiss, 70 Leigh Avenue said that the story of the incinerator gives him more concern. He also questioned the impact that the development would have on the school system and asked who was going to pay for that.

Anita Garoniak, 1 Harris Road spoke about photos and filming of buildings and roads and asked who is the company beholden to. Would the residents be able to get copies?

Ms. Cecil said that the developer's agreement only speaks about road documentation. Mr. Simon asked if ProTech had legal standing in this and Ms. Cecil said not that she was aware of. Jack West said that Avalon Bay agrees to give copies to the municipality and the residents.

Paul Driscoll, 141 Harris Road, asked why the site is not being treated as an industrial site. He said that the site was listed in a 2011 EPA report as a hazardous waste generator. He asked what was done with hazardous waste before 1976. Dr. Whitman said that medical waste is different than the

standard for hazardous waste. Dr. Whitman said that he did not know what happened to hazardous waste before 1976.

Yaron Inbar, 93 Harris Road said that what was brought up tonight defeats the report.

Evan Yassky, Hawthorne Avenue said that EcolSciences had been hired for the benefit of Avalon Bay and asked if the hospital had come forward with any information. Mr. Yassky also expressed concern that an x-ray lab is on top of what would be a pocket park.

Areta Pawlynski showed floor plans of at least two incinerators including one that operated at the hospital more than two decades before the one constructed in the 1060's. Ms. Pawlynski asked how we know if the smoke stack has been removed safely and how would former and current residents be made aware of environmental testing results. Mr. Whitman asked Ms. Pawlynski what her specific concerns with the x-ray lab were. Ms. Pawlynski said that she was concerned about decommissioning it.

Linda Auerbach expressed concern about how people were going to get information that they would need to know while the project was going on. Mr. Bruschi said that we would try to make it as well know as we possibly can. She also asked if Dr. Whitman shouldn't be paid by those who didn't do what they should have.

Minnie Craig, 173 Witherspoon Street asked Council to keep the children in mind while moving forward.

John Armonia, 54 Harris Road said that he has been in the plumbing trade for 50 years. He said that he has worked on hazardous and contaminated sites. He asked that all lines should be sewage be tested. He said that testing will not show if there is leakage at the joints however. Mr. Armonia said to test and excavate all joints to make it safe. He also said that if the project goes through, to please not delete the 8" sewer pipe that runs from the hospital site to Witherspoon Street.

Mayor Lempert said that she would ask Dr. Whitman to process and respond to the comments made tonight.

Mr. Simon said that he wanted to know what Dr. Whitman's original recommendations were and what compromises were proposed in the agreement.

Mr. Simon asked Ms. Cecil to clarify the charging of an impact fee. Ms. Cecil said that the municipality cannot impose a charge to the developer for the infrastructure or schools when zoning. She said that no municipality in New Jersey has the ability to charge an impact fee to the developer.

It was the consensus of Council to table Resolution 14-68, Avalon Bay Developers Agreement for tonight to allow time for more review

Ms. Crumiller offered a motion to approve an additional $3000. for Mr. Whitman to continue with the review of the Medical Center property and to come again before Council at a future date. The motion was seconded by Ms. Howard and carried unanimously.

REPORTS
-Pothole/Roads Status Report, Robert Hough

Robert Hough, Director of Infrastructure and Finance discussed with Council the current issue of pothole within the municipality, noting that it would cost approximately $800,000. to begin patching the roads most heavily in need of repairs due to the difficult winter weather.

Ms. Crumiller offered a motion to approve resolution 14-67 as amended. The motion was seconded by Mr. Liverman and carried unanimously.

COUNCIL REPORTS

Ms. Howard said that they were still going through another round of interviews for the Health Officer. She also noted that they were adhering to the process laid out for the Chief of Police.

Mr. Miller said that the deer program has been completed.

Mr. Liverman reported that the Corner House benefit is scheduled for April 11, 2014.

Ms. Butler said that the Spring/Summer brochure for The Recreation Department is out.

Mayor Lempert said that "PI Day" is on Friday, March 14, 2014

ORDINANCE PUBLIC HEARING
No Parking, Scott Lane

Mayor Lempert read by title an ordinance entitled AN ORDINANCE CREATING A NO PARKING ZONE ON A PORTION OF SCOTT LANE 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. Miller offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Ms. Crumiller and carried unanimously.

RESOLUTIONS

a. 14-69 2014 Goals List

Mr. Liverman offered a motion to approve resolution 14-69 as amended. The motion was seconded by Ms. Butler and carried unanimously.

b. 14-70 Agreement, SHI, two Cisco Catalyst 3750 Managed Switches, Contract TEC-06, Not to Exceed $15,906.88

Ms. Crumiller offered a motion to approve resolution 14-70 as presented. The motion was seconded by Mr. Miller and carried unanimously.

c. 14-71 Relocation of New Jersey Transit Bus Stop, Alexander Street at Basin Street.

Ms. Crumiller offered a motion to approve resolution 14-71 as presented. The motion was seconded by Mr. Miller and carried unanimously.

d. 14-72 Louis P. Rago, Esq., Conflict Counsel, Zoning Board of Adjustment, Not to Exceed $7,500.

Ms. Crumiller offered a motion to approve resolution 14-72 as presented. The motion was seconded by Mr. Miller and carried unanimously.

e. 14-73 Resolution Authorizing Tax Assessor to File and Settle Tax Appeals for 2014.

Ms. Crumiller offered a motion to approve resolution 14-73 as presented. The motion was seconded by Mr. Miller and carried unanimously.

f. 14-74 To Request New Jersey's Recreation Trails Grant Program Be Restored For 2014

Ms. Crumiller offered a motion to approve resolution 14-74 as presented. The motion was seconded by Mr. Miller and carried unanimously.

(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

- Fai-Gon Electric, Inc., Traffic Signal Improvements to Washington Road and Faculty Road, Release of performance guaranty and acceptance of maintenance guaranty, subject to receipt of concurrence of the County of Mercer, who will be reimbursing the municipality for the signal installation.

c. 14-75 Appointments, Boards, Commissions and Committees

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

(Resolutions appended to this set of minutes.)

11:35 p.m.
14- 76 **CLOSED SESSION RESOLUTION: Negotiations/Personnel**

RESOLUTION
TO GO INTO CLOSED SESSION
(Open Public Meetings Act Sec.3)

BE IT RESOLVED by the Mayor and Council of Princeton:

2. 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

- Police Chief
- Princeton Community Television

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 12:05 a.m.

Linda S. McDermott
Municipal Clerk