



**PRINCETON**  
**MAYOR AND COUNCIL OF PRINCETON**  
**MINUTES • SEPTEMBER 15, 2015**

**Regular Meeting**

**Main Council Room**

**6:00 PM**

400 Witherspoon Street, Princeton, NJ 08540

**I. STATEMENT CONCERNING NOTICE OF MEETING**

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 September 11, 2015 at 12:10 p.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.

**II. ROLL CALL**

The Municipal Clerk called the roll.

Present: Councilwoman Butler, Councilwoman Crumiller, Councilwoman Howard (6:20 p.m.), Councilman Liverman, Councilman Miller, Councilman Simon and Mayor Lempert.

Absent: None.

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

**III. 6:00 P.M. CLOSED SESSION: PERSONNEL/NEGOTIATIONS/LITIGATION**

1. Personnel Update

2. Open Space/Land Acquisition

Lee Solow, Planning Director, was present for this discussion with Council.

3. Litigation Update

4. 15-270 Closed Session Resolution

*Motion* - to approve resolution 15-270.

The issues referenced below were discussed in closed session.

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| <b>RESULT:</b>   | <b>APPROVED AS AMENDED [UNANIMOUS]</b>             |
| <b>MOVER:</b>    | Bernard Miller, Council President                  |
| <b>SECONDER:</b> | Jo Butler, Councilwoman                            |
| <b>AYES:</b>     | Howard, Crumiller, Miller, Liverman, Butler, Simon |

**IV. 7:00 P.M. OPEN SESSION**

**V. PLEDGE OF ALLEGIANCE**

The audience participated in the pledge of allegiance.

## VI. APPROVAL OF MINUTES

### 1. Minutes –May 20, 2015 -Joint Meeting with Planning Board

*Motion* - to approve the May 20, 2015 minutes.

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| <b>RESULT:</b>   | <b>APPROVED [5 TO 0]</b>                   |
| <b>MOVER:</b>    | Jo Butler, Councilwoman                    |
| <b>SECONDER:</b> | Lance Liverman, Councilman                 |
| <b>AYES:</b>     | Crumiller, Miller, Liverman, Butler, Simon |
| <b>ABSTAIN:</b>  | Howard                                     |

## VII. COMMENTS FROM THE PUBLIC

William Urian, 293 Hamilton Avenue, expressed his concern regarding the line stripping on Hamilton Avenue. Mr. Urian stated that the measurements are not correct and that the line spacing are not correct or up to code. He noted that cars cross over the double lines and he asked who was accountable when an accident happens.

Steve Gubser, 3 Queenston Place, stated that in regards to the noise ordinance the municipality should consider adopting the Department of Environmental Protection standard as was done in West Windsor.

Robert Hebditch, 182 Hickory Court, seconded Mr. Gubser's suggestion especially in regards to mowers and leaf blowers. Jeff Grosser, Health Officer stated that landscapers can technically be enforced by the County. Mr. Grosser noted that sections of the proposed ordinance are similar to the model noise ordinance.

## VIII. REPORTS

Mr. Kiser and Mr. Grosser presented an update on the Avalon Bay hospital site.

Ms. Howard reported that "Send Hunger Packing" will have their main fundraiser this Sunday, September 20, 2015 in Hinds Plaza. She also stated that Chief Sutter was discussing the issue of body cameras with the prosecutor and also working on a grant application.

Mr. Liverman seconded Ms. Howard's report regarding "Send Hunger Packing".

Ms. Crumiller noted that the surveillance camera in the main meeting room is on all the time. She also stated that the IT Committee will be making a request for a consultant to look at upgrades for the main meeting room in Witherspoon Hall.

Mr. Miller reported concerns about a destructive insect called the Emerald Ash Borer and the effect on our trees.

\*\* 9:35 p.m. Ms. Howard left the meeting.

Ms. Butler reported that the pool is now closed and that we had a total of 115,089 visitors for the season. She also said that the Historic Preservation Commission will hold a meeting on September 21, 2015 at 4:00 p.m. in Room A.

Mr. Simon stated that we have been awarded a FEMA grant for \$250,000.00, which will be coming soon. He also stated that a Princeton University mobile app for emergencies is currently being developed.

Mayor Lempert reported that the Mercer County Clerk's Office is hosting a Passport Day on Wednesday, September 16, 2015, from 3:00 p.m. to 7:00 p.m. Shredtemberfest is Saturday, September 26, 2015 and Meet the Mayor is Friday, September 25, 2015.

## **IX. WORK SESSION**

### **1. Palmer Square Post Office Easement, Greg Lackey, US Postal Service**

Gregory Lackey, Realty Asset Manager, United States Postal Service discussed with Council the issues relating to the Palmer Square Post Office easement and the process of the sale as he understood it.

Ms. Howard expressed concern regarding an issue that the mural on the wall at the Palmer Square Post Office need to be available to the public as a twelve day provision. Mr. Lackey that the provision was actually one day and that the murals were not part of the sale and that the public will still have access to the murals.

Ms. Butler said that requirements for the mural were set by New Jersey Trust. She asked who sets the standards by how it is protected. Mr. Lackey said that the standards were set by the U.S. Postal Service and he also noted that the mural was just cleaned and restored.

Mayor Lempert stated that this is a beloved building in Princeton and that it was older than all of us.

Ms. Howard said that she felt that we were ready to move forward with the easements.

## **X. ORDINANCE PUBLIC HEARINGS**

### **1. An Ordinance by Princeton Establishing One Hour Free Parking in the Spring Street Garage and Amending the "Code of the Borough of Princeton, New Jersey, 1974"**

Mayor Lempert read by title the proposed ordinance.

The Mayor and Council discussed parking fees at the Spring Street Garage and the two hour parking agreement with the library.

Robert Hough, Director of Operations and Infrastructure, stated that the new validation machine has been ordered and can be set to the current fee structure if the proposed ordinance is defeated.

Mayor Lempert stated that there was a formal agreement by the two entities. Ms. Butler questioned if the agreement was still valid.

Leslie Burger, Director Princeton Public Library, discussed the issue of two hour parking, the process of self validation and said that the intent was to guarantee two hours of subsidized parking.

Ms. Butler stated that she did not think that this was a good system and that that it was a waste of taxpayer money.

Deanna Stockton, Assistant Engineer, suggested the elimination of validation and replacing it with one hour of free parking, offering holiday rates and setting a maximum daily rate of \$23.00.

Mayor Lempert opened the public hearing.

Howard Silbersher, 24 Governors Lane read his letter to Council asking them to continue with the two hours of free parking for library patrons. (Letter attached to minutes)

Gerry Kaplan, 72 Clover Lane; Robin Roman, Winant Road; Debra Thomas, 107 Randall Road; Karen Johnson, 72 Sayer Drive; Jane Fogen, 8 Mershon Drive; Phyllis Marchand, 29 Montadale Drive; Robert DeMartino, 820 Princeton Kingston Road; all spoke in favor of keeping the two hour free parking at the library.

Charles Olestry, Shady Brook Lane, stated that he supported the proposed ordinance.

There being no further comment, Mayor Lempert closed the public hearing.

Ms. Howard said that she was sorry that this was interpreted as a revenue raiser. She stated that they will eventually be talking about raising rates and did not want anyone to be surprised.

Mr. Hough stated that they are reviewing various scenarios along with the parking garage rates that also include parking meters.

Mr. Liverman stated that continuing with two hour free parking shows that we are a town who cares.

Ms. Butler said that she was trying to not to welch on a previous obligation and asked that the attorney review the agreement. She said that we need to look at the overall parking rates in total and that she would be happy to reconsider the two hour free parking temporarily.

Mr. Simon proposed tabling the ordinance for further review. It was the consensus of Council to table the proposed ordinance.

**RESULT:        TABLED**

2. An Ordinance Pursuant to N.J.S.A. 40A:12-3 Et Seq. Authorizing Princeton to Accept the Donation of Block 15.02, Lot 38, Princeton Tax Map from the Princeton Housing Authority

Mayor Lempert read by title the proposed ordinance.

Mayor Lempert opened the public hearing. There being no public comment, the Mayor closed the public hearing.

*Motion* - to adopt

**RESULT:        ADOPTED [UNANIMOUS]**  
**MOVER:**        Jenny Crumiller, Councilwoman  
**SECONDER:**    Lance Liverman, Councilman  
**AYES:**         Crumiller, Miller, Liverman, Butler, Simon  
**ABSENT:**        Howard

3. An Ordinance by Princeton Regulating Parking Along Valley Road in the Vicinity of Witherspoon Street and Amending the "Code of the Township of Princeton, New Jersey, 1968"

Mayor Lempert read by title the proposed ordinance.

Mayor Lempert opened the public hearing. There being no public comment, the Mayor closed the public hearing.

*Motion* - to adopt

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                 |
| <b>MOVER:</b>    | Jenny Crumiller, Councilwoman              |
| <b>SECONDER:</b> | Bernard Miller, Council President          |
| <b>AYES:</b>     | Crumiller, Miller, Liverman, Butler, Simon |
| <b>ABSENT:</b>   | Howard                                     |

## XI. RESOLUTIONS

1. 15-271 Purchase of Fire Vehicles from Pierce Manufacturing, Inc., Pierce® Arrow XT 75' Rear Mounted Heavy Duty Aerial Ladder for the Sum of \$781,608.18; and a Pierce® Arrow XT Triple Combination Pumper for the Sum of \$546,188.60; , the Total Contract Amount for Both Pieces of Equipment Not to Exceed \$1,327,796.78.

*Motion* – to approve resolution 15-271

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|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                        |
| <b>MOVER:</b>    | Jo Butler, Councilwoman                            |
| <b>SECONDER:</b> | Lance Liverman, Councilman                         |
| <b>AYES:</b>     | Howard, Crumiller, Miller, Liverman, Butler, Simon |

2. 15-272 Resolution to Purchase 2016 Ford F350, State Contract #A88758, \$31,069.00 and a 2016 Ford Explorer, State Contract #88728, \$27,783.00, from Winner Ford, Cherry Hill, New Jersey.

*Motion* – to approve resolution 15-272

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|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                        |
| <b>MOVER:</b>    | Lance Liverman, Councilman                         |
| <b>SECONDER:</b> | Jenny Crumiller, Councilwoman                      |
| <b>AYES:</b>     | Howard, Crumiller, Miller, Liverman, Butler, Simon |

3. 15-273 Resolution Purchase of Turnout Gear, Skylands Area Fire Equipment and Training LLC, State Contract #80948, \$68,087.55

*Motion* – to approve resolution 15-273

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Lance Liverman, Councilman  
**SECONDER:** Jenny Crumiller, Councilwoman  
**AYES:** Howard, Crumiller, Miller, Liverman, Butler, Simon

4. 15-274 Resolution of the Mayor and Council of Princeton Authorizing the Award of a Non-Fair and Open Contract for Professional Services to T & M Associates for the Preparation of a Minor Landfill Disruption Permit for the Princeton Landfill in an Amount Not to Exceed \$11,789.00

*Motion* – to approve resolution 15-274

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Jo Butler, Councilwoman  
**SECONDER:** Jenny Crumiller, Councilwoman  
**AYES:** Crumiller, Miller, Liverman, Butler, Simon  
**ABSENT:** Howard

5. 15-275 Resolution of the Mayor and Council of Princeton Authorizing the Award of a Contract to Gtbn, Inc. through State of New Jersey Contracts T-0109 - #83904 and #83909 For a Vehicle Communication System in the Amount of \$125,584.00

*Motion* – to approve resolution 15-275

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Jenny Crumiller, Councilwoman  
**SECONDER:** Bernard Miller, Council President  
**AYES:** Crumiller, Miller, Liverman, Butler, Simon  
**ABSENT:** Howard

## XII. CONSENT AGENDA

*Motion* – to approve

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Lance Liverman, Councilman  
**SECONDER:** Jo Butler, Councilwoman  
**AYES:** Crumiller, Miller, Liverman, Butler, Simon  
**ABSENT:** Howard

1. Bills & Claims

2. Release of Cash Performance Guarantee in the Amount of \$34,738.00 for 286 Alexander Road, Block 11501, Lot 5, Administrative Waiver 10 Space Parking Lot, Lighting, Landscape and Drainage to Princeton University Contingent Receipt of Acceptable Two Year Maintenance Guarantee in the Amount of \$5,201.70
3. Release of Maintenance Guarantee in the Amount of \$20,267.00 Issued by New Jersey Maintenance Surety Bond for 48 Prospect Avenue, Block 46.01, Lot 14, Preliminary and Final Major Site Plan with Variances To Tiger Inn Club
4. Release of Cash Maintenance Guarantee in the Amount of \$375.00 For 301 North Harrison Street, Block 7401, Lot 1, Emergency Generator Administrative Waiver to McCaffrey's Supermarket
5. Fountain Ridge, LLC (Formerly J. Robert Hillier "Copperwood") Block 4301, Lots 3 and 4 and Block 4401, Lots 1 and 2 Extension of Time to December 31, 2015
6. Princeton University; 8 Dickinson Street, Block 44.01, Lots 28 and 31 Minor Site Plan with Variances and Preservation Plan Extension of Time to November 30, 2015
7. Release of Cash Maintenance Guarantee in the Amount of \$750.00 For 301 North Harrison Street, Block 7401, Lot 1, Building B, Landscape Improvement (Administrative Waiver) to Princeton Shopping Center
8. 15-276 Resolution, Approval of Fireworks Display, 2015 Princeton University Community and Staff Day, September 26, 2015
9. 15-277 2014 Municipal Services Act Reimbursement, Princeton Housing Authority
10. 15-278 Resolution to Execute Mercer County HOME Investment Partnerships Program Consortium Agreement

### **XIII. ADJOURNMENT**

There being no further business the meeting was adjourned at 10:05 p.m.

Linda S. McDermott  
Municipal Clerk

August 18, 2014

Paul Driscoll  
Harris Road

I am requesting this evening that Council delay its vote on the Amended Developers Agreement until residents have ample time to fully review it and consider its impact. The document was just posted on Friday August 14th and was cross referenced with addendums to Whitman's report which were not easy to locate. I hope that we will at least have an open discussion with questions and answers as opposed to the limited public comment format. From the beginning, AvalonBay has had a long history with of duplicity in communication with the town about demolition and its environmental impact. Is it any wonder that neighbors are extremely apprehensive?

**Sep. 15, 2011-** EcolSciences conducts Phase 1 Study. AvalonBay's own consultant recommended "a subsurface investigation should be performed to determine if the underlying soils and ground water have been impacted by sewer lines and/or historic septic system discharges." AvalonBay's LSRP identified sewer discharges as a Recognized Environmental Condition. (This is noted on page 27 of EcolSciences Phase 1 report. Photos of underground storage tanks #19&20)

**Nov. 9, 2011-** AvalonBay redirects EcolSciences (Limited Phase II)  
"As redirected by AvalonBay Communities, the scope of work proposed is limited to investigation of operating underground storage tanks and two abandoned underground storage tanks." (see page 2 of Limited Phase II). This was a business decision which had nothing to do with health and safety of citizens.

**Jun. 6, 2012-** Maser Consulting Environmental Impact Statement (EIS) reports that no underground storage tanks or contamination were found on the property. This is completely false (again see photos #19&20 EcolSciences Phase 1) The Maser EIS was the only document presented to the Planing Board until PCSN lawyer insisted that EcolScience Phase 1 and Phase II reports be made available.

**Mar 2014-** Ira Whitman on page 6 in his Independent Report (March 2014) for the Municipality of Princeton refers to the EcolSciences Phase 1 report. "This assessment has revealed the following evidence of Recognized Environmental Conditions in connection with the site...Sewer Discharges, Underground Storage tanks, Facility Decommissioning Requirements, Inaccessible Areas, also 'non-scope' considerations such as Asbestos Containing Building Materials, Lead Based Paints and Radon." Dr. Whitman goes on to say, "it is assumed that it is accurate and that EcolSciences recommendations will be followed by AvalonBay."

**June 23, 2014-** The Princeton Department of Engineering notes in its Notice Regarding Work at the Hospital Site that "evidence of a discharge" was found near two underground storage tanks at the site and that 5 -6 trucks of soil need to be removed. This confirms PCSN expert James Peterson statement to the Planning Board that

"they're contaminants by definition and the word -- use of the word implies a discharge"  
(see Planning Board transcript Dec. 10, 2012)

At

At a recent Council meeting, when everyone voted unanimously to hire Neil Yoskin as Environmental Attorney, the consensus was that we must do everything that we can to in our efforts to protect the health and safety of citizens. "We look after each other here." Tonight, please ask yourselves if you have done everything you can to insure our safety.

Some very important questions:

Who will be liable in a lawsuit if someone gets hurt? Is the town liable?

Who will be liable in a future lawsuit if someone living on the site or coming into contact with the site get hurt or develops a long term illness? Again is the town liable?

September 2015

I am a senior citizen and my wife and I have lived in Princeton since January 2005. We were attracted to Princeton because of all the cultural and educational opportunities offered by the town and Princeton University, the urban environment, and the library. As we all know the Princeton Public Library is a wonderful institution. Library director, Leslie Burger and her staff of professional supportive people make the library experience a positive one. The library is enjoyed by people of all ages in the Princeton community.

Until now there were two hours of free parking available to those patrons of the library. So I was upset and disturbed when I learned that the two hours of free parking are to be reduced to one hour of free parking. I think this is a bad idea and I will outline for Mayor Lempert and the Town Council why I think this is a bad idea.

If the reason the council has decided to reduce the free parking at the library, from two hours to one hour, is a financial consideration, let me say this: As a taxpayer in NJ, I know that taxes in NJ are among the highest in America. I also know there is a lot of waste of our tax money. One example is the ten million dollars legal bill that we tax payers had to pay to the NY law firm of Gibson, Dunn and Crutcher, for Governor Christie's bridge gate scandal. Then there was, "the special election," that Governor Christie perpetrated in November 2013. This cost NJ taxpayers an additional twelve million dollars on the low end of the estimate. If, we taxpayers, can afford twenty-two million of services, that I, and many others, consider wasteful and non-productive, then I am sure that the town of Princeton can afford perhaps an extra one hundred thousand dollars without raising our taxes to enable library patrons one extra hour of free parking.

In 2007, the privilege of two hours parking at the Public Library was revoked and parking was limited to thirty minutes. Library director, Leslie Burger, reported that during the time of reduced free parking, attendance at the library declined significantly. Library store revenues and DVD rentals declined as well as did circulation.

Anyone who has his own business and employs a staff of people knows that when "a benefit" such as insurance or extra time off is reduced or taken away this results in anger, resentment and a sense of betrayal in those from whom the benefit was taken.

On Monday August 10, 2015 at 1:00 PM with Leslie Burger's permission and acknowledgement, I took **an unofficial survey** of library patrons and how they felt about two hours of free parking reduced to one hour. I stood in the walkway between the library and the garage. I asked those going to the library if they thought reducing the free parking at the library from two hours to one hour was a bad idea or a good idea. 50 people stated emphatically, it is a bad idea. 6 people stated, it is a good idea. Some of those 6 were non-committal.

Some young women with small children were upset and angry. Several said the same thing. If the free parking is reduced to one hour, in winter when "I have to remove gloves, boots, galoches, and heavy coats, this takes between 10 and 15 minutes entering and leaving. That leaves me with 30 minutes of time to find books, read, and engage my children." These young women, residents and taxpayers of NJ and Princeton were upset and angry. They thought it is a bad idea to reduce free parking at the library from two hours to one hour. Leslie Burger informs me that there are many two hour programs offered at the library to people of all ages. These people will be very disappointed when they will have to pay for the extra hour of parking.

There is an argument that there are people who abuse and disrespect the two hours of free parking. Some people park in the garage, validate their ticket, then go to lunch in town or go shopping and do not use the library. There has been no empirical study to determine how many people, or what percentage of people, abuse the system. I grant you there are always some who abuse and take advantage of the system. Let us say those are twenty per cent or twenty five percent of those who validate their parking. Does that mean those people like myself and many others who do not abuse and show disrespect for the benefit have to be penalized for a few who do abuse and disrespect the benefit. I don't think so. These kinds of people are everywhere, and we should not change the whole system because of them. I do not think it "fair" to penalize me, and thousands of library patrons because of a few who abuse the system.

I have a suggestion to resolve this challenge in a democratic manner.

Let us have a vote of all library patrons. Let us pick a Friday and a Saturday in October. Perhaps October 16 or October 23. Advertise that there will be a vote on whether the two hours free parking should prevail or if it should be reduced to one hour, without raising taxes. I will volunteer my time and my service to make sure that voting takes place in a proper and correct manner. I am sure I can find others to help me during this process. On that Sunday at 3:00PM, let us count the votes. In this democratic manner, the Princeton Council has left it to the people to decide.

I am sure members of the Town Council will find fallacies in my argument. Can I, and residents of Princeton afford to pay for the extra hour of parking? I am sure, I, and others, can afford to do so. But given the high taxes in NJ and the wasteful spending, I do not want to do so. I have spoken to many people in Princeton, library patrons and others. The greater majority agrees with my position.

I welcome any response, questions or comments about my letter. Princeton Library patrons and Princeton town residents who are upset that the free parking at the library has been reduced from two hours of free parking to one hour of free parking should call Princeton Town Office and ask to speak to either Mayor Lempert or Catherine Monzo and express their outrage at this action. The phone number of the Princeton Town Office is: 609-924-5176. With a public outcry, perhaps Mayor

Lempert and the town council will find a way to sustain the two hours of free parking which the people of our community deserve.

Howard Silbersher  
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Princeton NJ 08540  
609-924-0960  
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