

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
June 21, 2011**

**Closed Session 5:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Kevin Wilkes (*arrived 5:12 P.M.*), Councilwoman Jo Butler, Councilwoman Jenny Crumiller, Councilman David Goldfarb (*arrived late*), Councilman Roger Martindell, Councilwoman Barbara Trelstad, Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer John M. West, Assistant Borough Attorney Henry Chou, Planning Board Director Lee O. Solow, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 5:00 P.M. and read the open public meetings statement as follows:

“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of June 21, 2011, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file in the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”

Mayor Trotman read **Agenda Item C, Resolution 2011-R165**, as follows:

**RESOLUTION 2011-R165
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON JUNE 21, 2011**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public forum from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances may presently exist; and

WHEREAS, the Governing Body wishes to discuss the following issues:

1. Negotiations — Princeton University (PU)

WHEREAS, minutes will be kept and once the matter involving confidentiality of the above no longer requires that confidentiality, then minutes can be made public; and

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

Councilwoman Trelstad moved to approve; Councilwoman Crumiller seconded. Council members Wilkes, Butler, Crumiller, Martindell, and Trelstad voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved five to zero.

June 21, 2011

Borough Council recessed into closed session.

At 7:30 P.M. Council reconvened into open session. Council Goldfarb joined the open session.

Mayor Trotman asked all present to rise for **Agenda Item D, Salute to the Flag.**

Mayor Trotman read **Agenda Item E, Public Presentation.**

There were no public presentations.

Mayor Trotman announced a ceremony held at Harrison Street Park Saturday, June 18, 2011, dedicating a plaque to the late Borough Engineer Christopher M. Budzinski.

Councilwoman Crumiller requested an update on Truth in Renting regulations. Councilman Goldfarb observed that Fire Official William Drake can explain the law.

Mayor Trotman asked members to consider Resolutions 2011-150 and 2011-166 so that Councilman Goldfarb, who will be recusing himself from talks on Princeton University (PU) Arts and Transit (AET) proposal, can participate.

Mayor Trotman read **Agenda Item G, Old Business (1) — Resolution 2011-R150** as follows:

**RESOLUTION 2011-R150
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
SUPPORTING LEGISLATION REQUIRING VOTER APPROVAL
PRIOR TO THE ESTABLISHMENT OF A CHARTER SCHOOL**

WHEREAS, more charter schools have been created by the New Jersey Department of Education in the past year; and

WHEREAS, the State intends to continue to increase the number of charter schools; and

WHEREAS, there is no criteria for charter-school formation and monitoring that is based on student academic performance in the home district or charter school; and

WHEREAS, local voters and local elected school boards have little or no say over the creation and tax-based financing of charter schools in their districts, and

WHEREAS, creation of a charter school in certain districts diverts funding from the regular public education program already limited by the 2% levy cap;

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Princeton supports legislation requiring voter approval at the annual school election, or by the board of school estimate, prior to the establishment of a charter school, and additional steps to incorporate local voter and elected school board opinion into chartering decisions;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to The New Jersey Department of Education, Senator Shirley Turner, Representative Reed Gusciora, Representative Bonnie Watson Coleman and the Regional Schools of Princeton

Council President Wilkes moved to approve Resolution 2011-R150 and Councilwoman Crumiller seconded.

Councilwoman Crumiller, sponsoring Resolution 2011-R150, stated that 50% of Borough taxes support public schools. The proposed New Jersey legislation supported here grants local control to new charter schools.

Councilman Martindell reminded that Council has long had a policy to avoid matters beyond its own control. He moved to table. Councilman Goldfarb seconded tabling. Mayor Trotman broke Council's tie vote by opposing tabling, and sought further discussion. Council President Wilkes supported Resolution 2011-R150 to give voters a say in how tax dollars are spent; he feared taxation without representation. Councilman Martindell pointed out that charter schools statewide (including Princeton's) oppose the bill.

Hearing no further discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion failed four to two, with Council members Crumiller and Wilkes in favor.

Mayor Trotman read **Agenda Item H, New Business (1) — Resolution 2011-R166** as follows:

**RESOLUTION 2011-R166
REGARDING TRANSPORTATION COSTS FOR
HAZARDOUS BUS ROUTES FOR THE 2011-2012 SCHOOL YEAR**

WHEREAS, the Mayor and Council deem it appropriate to determine those student transportation costs for which it will reimburse the Princeton Regional Board of Education during the 2011-2012 school year; and

WHEREAS, pursuant to N.J.S.A. 18A: 39-1.1, the Mayor and Council have agreed on behalf of the Borough to provide reimbursement to the Princeton Regional School District for certain *hazardous route* transportation costs for children who attend grades K through 5 in public schools in the Princeton Regional School District; and

WHEREAS, Princeton Regional School District, under its established policies will provide transportation for certain elementary school pupils who have been assigned for purposes of racial balance to a school other than the one closest to their homes; and

WHEREAS, the Borough of Princeton wishes to identify more particularly those roadway crossing hazards for which it would be more economical and efficient to provide transportation for other elementary school pupils by the Princeton Regional School District, which transportation costs will be borne by the Borough of Princeton; and

WHEREAS, the New Jersey State Board of Education has concluded in *Parents for Students Safety Inc. versus Board of Education of Morris School District*, 1985 SLD 3116 (Feb. 5, 1986) that courtesy busing could or could not be provided to both public and private school students based upon economic and other considerations; and

WHEREAS, based on its limited financial resources and the discretion accorded to it by the State Board of Education, as well as the availability of alternate means of access, the Mayor and Council have determined that it will not reimburse the Princeton Regional Board of Education for transportation costs of children who reside in the Borough of Princeton along the specified public elementary school *hazardous route* bus routes and attend parochial or private schools or are assigned to grades 6-12 in the public schools.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton as follows:

The Borough of Princeton shall during the 2011-2012 school year reimburse the Princeton Regional School District for of the transportation costs for busing:

- a. those children attending grades K through 5 in the public schools in the Princeton Regional School District who reside on any street which would normally involve the students crossing any part of Rosedale and Elm Road or use the pathway through the wooded area behind the Elm Court Housing project in order to reach the Johnson Park School to which they are assigned. It is understood that those pupils residing in the area between Bayard Lane (U.S. 206) and Witherspoon St. who were

assigned to the Johnson Park School for purposes of racial balance will be provided with transportation by the Princeton Regional School District under its previously established transportation policies.

b. those children attending grades K through 5 in the public schools in the Princeton Regional School District who reside on any street which would normally involve the students crossing any part of the intersections of Stockton St. (U.S. 206), Bayard Lane (U.S. 206) or Nassau St. (N.J. 27) in order to reach the Community Park School to which they are assigned.

c. those children attending grades K through 5 at the Charter School who reside on any street which would require such children to cross Nassau Street to attend such school.

BE IT FURTHER RESOLVED that nothing in this resolution shall bind the Borough to continue such reimbursement beyond the 2011-2012 school year.

Councilwoman Trelstad moved to approve Resolution 2011-R166, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item F, Discussion (1) — UPDATE – Proposed Ordinance – Arts, Education and Transit District (AET).**

Councilman Goldfarb recused himself at 7:48 P.M.

Borough Administrator Robert Bruschi summarized three months' discussions of a proposed new zoning ordinance for Princeton University's AET. Mr. Bruschi said this is an opportunity for Borough to develop an under-used district, to be accomplished with compromises and tradeoffs from both Borough and PU.

1. **Parking revenues.** Approximately \$56,000 per year lost from metered lot by Wawa plus \$2,000 from long-term (overnight) parking annually.
2. **Taxable property.** Loss of between \$130,000 to \$150,000 from three properties at University and Alexander. Offset by proposed new restaurant in current station building (tradeoff with Wawa move to Township).
3. **Construction fees.** \$115,000 to Borough (one shot) will sustain Construction Code department.
4. **Sewer trust.** Gain more than \$250,000 (one shot) in Borough to offset capital sewer improvements.
5. **Walkability.** Shuttle with improved schedule and multiple stops.

Council discussed a draft Memorandum of Understanding (MOU) and assumptions that a zoning change will pass and the pros and cons of a station relocation. Councilwoman Butler stressed that no MOU has been approved by Council.

Mr. Bruschi commented that pedestrian access and safety are paramount. Mr. Bruschi took the opportunity of this public forum to mention a caution about the inadequacy of the canal bridge on Alexander Street

Mr. Bruschi stated that increased parking is almost certain under the plan; a decision on a parking structure remains open. Councilman Martindell strongly encouraged construction (possibly partnered between Borough and PU) of a garage in the Dinky area.

Mr. Bruschi observed that any new construction has a cumulative effect on stress to emergency response (police/fire/rescue) personnel and equipment. Mr. Bruschi thought Council should pursue a “fair share” contribution from PU to cover the additional pressures put on volunteers, equipment and facilities.

Councilwoman Butler recommended looking at the element of alcohol purveyance when examining stress on the police force.

Mr. Bruschi believed that PU’s payment in lieu of taxes (PILOT) should reflect new development’s impact on the community. Assistant Borough Attorney Henry Chou asserted that zoning and PILOT cannot be linked—“contract zoning” is illegal.

Mayor Trotman read **Agenda Item F, Discussion (2) — PRESENTATION – E5 (Arts/Transit) Ordinance/Opportunities, Benefits, Concerns.**

Robert Durkee, PU Vice President, addressed an earlier discussion on MOU that included a promise from Tiger Transit to meet trains at peak hours. PU will cooperate to create and fund a transit system that will transport passengers from collection points in Borough and Township to the train.

While intending to be collaborative, Mr. Durkee emphasized that the station *will be relocated*. He reminded that New Jersey Transit (NJT) has confirmed PU’s right to move the terminus at will *and* that NJT believes relocation will better serve Dinky operations.

Councilwoman Butler voiced concern that the new building will not be visible from the street and drop-off points.

Councilwoman Crumiller read aloud “scholarship” on public transportation ridership.

Councilman Martindell asked Mr. Durkee if PU has interest in a cooperative parking structure endeavor. PU would be “willing to talk” during Phase II.

Mr. Durkee listed community master plan requirements that AET development meets:

- Improve traffic flow—introduce roundabout, reduce congestion, reduce peak-hour volume
- Address backups at key intersections—access drive for Lot 7 (PU plus visitors), reduce peak-hour volume
- Reduce peak-hour volume—extended green-light time, new light location (smart signal), timed pedestrian crossing

- Provide close-in parking—up from 413 to 429 (within five-minute walk) plus a substantial increase for McCarter patrons
- Increase use of shuttles, jitneys, bicycles.

Council spent time quizzing Mr. Durkee about various aspects of flow on Alexander Street and University Place. They asked about crosswalks, timing of traffic lights, access to different parking venues, and so on.

Mr. Durkee said the draft MOU provides near-term improvements such as restrooms, promotion of Dinky service, Tiger Transit, and so forth. Longer-term enhancements will be evaluated by a task force that will investigate future light rail service and other benefits to Nassau Street pedestrians and shoppers.

Councilwoman Butler repeated that the most critical—to the town—AET component is moving the Dinky depot. She wondered if task force research might be conducted *before* a final decision to relocate the station. Mr. Durkee replied that the new site is the crux for traffic improvement assessment.

Mr. Durkee briefly described the enhanced arts complex comprising black box theater, gallery, dance theater, rehearsal and performance hall, collaborative studio, acting and dance studio. He was especially interested in the underground 8,000-square-foot event space (forum) that will be available to community groups.

Mr. Durkee counted off the myriad people in the neighborhood—arts and restaurant patrons, riders, and residents among others—and the attraction of a dramatic new gateway into Princeton.

Aspects of sustainability included in the design are auto circulation improvements (350 fewer vehicular miles per day); buildings with geothermal climate control, green roofs, grey water recycling, solar panels; 1.75 acres less impervious surface; and better bike connectivity.

Councilwoman Butler made two points about the use of Princeton University's facilities by members of the public.

Councilwoman Butler quoted from Richardson Auditorium's website: Under Goals: "To balance and meet the needs of all three of Richardson Auditorium's primary clientele, in priority order: The University and the Department of Music, student performing arts organizations and the greater non-University community performing groups.", noting the non university community as third.

Councilwoman Butler stated that her experience with Princeton Girl Choir was that while it was always exciting to be performing in Richardson, it was also a challenge for a fledgling nonprofit to pay the rental fee adding that for those not affiliated with Princeton University, using the facilities was not cheap. She stated the fee to obtain an individual borrowing card for the PU Library is \$720 for 2011-12 and the Facility Membership for the general public at \$875. She stated the residents of Princeton do not get a price break on the use of the facilities. While recognizing the University exists for the benefit of its students first and foremost,

Councilwoman Butler stated she fears the public was being misled about the access it will have to the new Lewis Arts Center, adding there is no reason to believe that the University will alter the way in which it prioritizes users or its fee structure.

Councilman Martindell requested assurance from PU that all elements of the plan will be realized. Mr. Durkee and Kristin Appleget of PU observed that sustainability efforts, in particular, are campus-wide—not just AET.

Mr. Durkee stated that PU intends to spend approximately \$100 million on infrastructure needs such as roadways and parking, transit and retail, and open spaces—to be undertaken at the outset of Phase I. He reminded that AET will sit on PU property; therefore, first response to emergencies will fall to PU. (Meeting current building codes in new structures will greatly decrease vulnerability to fire.)

Mr. Durkee predicted a very small increase in PU's special payment to Borough, contemporaneous with a reduction in property taxes, plus \$308,000 to sewer operations and upwards of \$175,000 for construction permits.

Mr. Durkee stated that Township has no interest in creating a mechanism for meter parking—possibly an opportunity for new Borough revenue.

Councilwoman Crumiller congratulated PU on an impressive and beautiful project. She objected, however, that leaving tracks and depot in place would not impede AET if there were a bridge or underpass to the garage. Mr. Durkee responded that her idea would place a train in the middle of an active pedestrian area (especially after Phase II). All PU consultants had refuted viability of bridge or underpass—especially to accommodate emergency vehicles.

Councilwoman Trelstad stressed the educational nature of AET and questioned participation levels for local folk. (For example, she thought McCarter attendance would not change with the AET development.) Mr. Durkee foresaw a long-term net positive impact from new Princeton visitors previously unfamiliar with McCarter offerings.

As a close neighbor of campus, Councilwoman Trelstad attested to quietness there when school is out—versus the Wawa district that is lively year-round.

Mr. Bruschi repeated that parking is presently underutilized in the AET area.

Mayor Trotman asked if members of the public have questions or short comments.

Allen Kornhauser, 24 Montadale Circle, said *Daily Princetonian* articles from 1984 show that PU did not intend to develop the land beyond the platform. Mr. Kornhauser thought NJT overstated the danger of grade crossings, thereby forcing PU to move the terminus. He said the public right of way should be in public ownership.

Jeff Nathanson, Executive Director of Arts Council of Princeton at 102 Witherspoon Street, approved changing zoning to permit the AET plan to proceed. He mentioned lack of space, lack

of infrastructure, lack of support network available to creative people and working artists. Arts Council members believe that Princeton can become a greater arts destination, even an international cultural destination. More studio, performance, and exhibition space is definitely needed.

Jim Hartford, 601 Lake Drive, wondered why Forbes College does not have an underground connection to the rest of campus, thereby eliminating crossing on grade. He also thought the rail system could be underground.

Tom Coglon of West Windsor believed Council was overlooking an actionable item; namely, seeking active support for Borough's goals from NJT.

Penelope Rowlands, 39 Chestnut Street, echoed lack of focus on the walkability of Princeton Borough. She said it makes no sense to move the train farther from the people.

Kip Cherry, Township resident, asked if New Jersey's Attorney General has responded to Borough's request for an opinion—Mayor Trotman said the query is in progress. Ms. Cherry asked why PU wants to move the station just to move it. She thought the total congestion picture had yet to be thoroughly examined. Ms. Cherry predicted loss of walkability and loss of ridership—probably not to be made up by new activity—plus loss of parking and loss of taxes. Ms. Cherry voiced concern over fire protection for new 10-story buildings.

Mimi Omiecinski 98 Nassau Street, disagreed with earlier statements: She stated that parking at Dillon is not costly at \$72 per month; a public library card provides access to world-class Firestone Library; world-class performance space Richardson Hall is affordable for local groups.

Henry Vega, 35 Quarry Street, lives here because of town amenities such as walkability, Arts Council, magnificent public library, Wilson reflecting pool, and so on.

Chip Crider, Bank Street, was sad over obstruction to change during the past four years.

Brad Korodi, 220 Mercer Street, saw a false dichotomy in a new transit center facing reduction of public transportation. Mr. Korodi emphasized that heavy rail is inflexible and unpleasant—another false choice versus light rail.

James Stewart, Township at 115 Winant Road and director of PU art museum, commended establishment of a more integrated arts community that will result in a destination for cultural tourism.

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

Councilwoman Trelstad noted a misunderstanding in the community. She asked if the AET spaces (theaters, studios, performance venues, exhibition galleries) will be available year round to all individuals and groups with need for access. Mr. Durkee answered that AET will be, first, a facility for PU arts programs. He said the size and location of the AET development will lend

June 21, 2011

itself to use by the community—outdoors as well as in—plus increased availability of other campus entertainment sites.

Mayor Trotman called the discussion closed.

Councilwoman Trelstad moved to adjourn; Council President Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 11:40 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk