

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
September 13, 2011
Regular Meeting
Closed Session 6:30 P.M.
Open Session 7:30 P.M.**

Present: Council President Kevin Wilkes, Councilwoman Jo Butler,
Councilwoman Jenny Crumiller, Councilman Roger Martindell,
Councilwoman Barbara Trelstad, Mayor Mildred Trotman

Absent: Councilman David Goldfarb (*arrived 7:32 P.M for open session*)

Staff Present: Borough Administrator Robert W. Bruschi, Deputy Borough Clerk
Delores A. Williams

Mayor Trotman called the meeting to order at 6:32 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 September 13, 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-R237**, as follows:

**RESOLUTION 2011-R237
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON SEPTEMBER 13, 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)
2. Negotiations — TV30

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; Council President Wilkes 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.

September 13, 2011

Borough Council recessed into closed session.

At 7:32 P.M. Council reconvened into open session.

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

Mayor Trotman read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of July 5, 2011.

Councilwoman Trelstad moved to approve the minutes of the open session of July 5, 2011. Councilman Goldfarb noted a change of designation. Council President Wilkes seconded. Council approved unanimously six to zero.

Mayor Trotman read **Agenda Item F, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda.

Mayor Trotman took the opportunity to seek a moment of silence in remembrance of long-time Borough Attorney Michael Herbert, whom Mayor Trotman characterized as a “great, dynamite person.”

Mayor Trotman explained the five-minute limit for public presentations; no dialogue with Council members is permitted during this portion of the agenda. If so indicated, Council will take action at a later date.

Ralph Wagner, 65 Elm Road and member of the Traffic and Transportation Committee (T&T), stated he is representing T&T Chair Anton Lahnston to report to Council on T&T’s summer activities.

Mr. Wagner reminded that T&T presented a survey of community members in December 2010 about various traffic behaviors of concern. He said T&T filmed the streets of Princeton Borough and saw improvements in traffic behavior. Mr. Wagner reported that police have been patrolling Nassau Street on foot to enforce pedestrian infractions (such as crosswalk violations and jaywalking) and to issue warning tickets (in order to monitor the number of incidents).

Mr. Wagner said that T&T plans to come before Council again with a detailed report; in particular, the impact of fines for noncompliance with pedestrian rules.

Council President Wilkes offered brochures covering the sharrows system and rules of the road and sidewalks for cyclists. Council President Wilkes said Princeton University plans to extend the sharrows network to their campus roads and to educate students about proper bicycle comportment.

Seeing no one further, Mayor Trotman closed the public portion.

Mayor Trotman read **Agenda Item G, Discussion (1) — Proposed Amendments to the Service Business (SB) District of the Borough Land Use Ordinance**—*Martin Schneiderman*.

Mr. Schneiderman began by defining SB district as Nassau Street between Olden Street and Murray Place, formerly known as “Gasoline Alley” and currently designated East Nassau Street. Properties involved are owned by the Bratman family, Carnevale family, and Princeton University (a 25-foot-wide driveway that leads from Nassau onto campus). He said the goal for the future of SB is to increase pedestrian-friendly, mixed-use development that creates substantial public spaces.

Mr. Schneiderman reported a 2010 survey conducted by Princeton Future, to which 224 registered voters responded. Preferred uses were:

- Reading Terminal-style market
- Supermarket
- Restaurant

. . . with dwindling interest in:

- Mixed use (retail/office/residential)
- Retail
- Residential
- Wawa-style market
- General office
- Hotel/inn

. . . and opposition to:

- Laundromat
- Bank
- Fast-food restaurant.

Other favored ideas include a variety of building heights, wide sidewalks with seating, and a park or plaza, with business fronts on the street and parking behind.

Mr. Schneiderman went on to describe some zoning regulations that should be addressed for SB development and the need for traffic impact studies.

Robert Bratman, owner (with family members) of 259 Nassau Street, acknowledged the presence, decades ago, of coin laundering and dry cleaning in the building. Councilman Martindell was reluctant to prohibit zoning of laundry facilities.

Mr. Bratman stated his family’s interest in extending rental options to another major retailer. Rite Aid, the current lease holder has four years remaining on their lease and controls use of that part of the building.

Mr. Schneiderman stated a Princeton University right-of-way accessing the Carnevale property expired in 2006.

Council President Wilkes sought details about the level of interest in mixed use (retail / office / residential), retail, residential, Wawa-style market, general office, and hotel/inn. Mr. Schneiderman referred him to the detailed PDF report from Princeton Future that includes extensive commentary from respondents.

Councilwoman Butler asked how survey participation was achieved. Sheldon Sturgis of Princeton Future replied that responses were received from mail-in queries and online, as well as in-person remarks during community meetings at Chestnut Street Firehouse.

David Kinsey, 14 Aiken Avenue, called SB a “destination”. He said his group’s intent was the smallest possible change to the land-use ordinance; in particular: (1) eliminate fast food outlets, (2) permit kiosk function, (3) no change for laundromats or gas stations. He discussed aspects of front-yard parking, joint occupancy, building footprints, floor-area ratios, and other issues pertaining to the land-use zoning law.

Councilman Goldfarb noted the fine line dividing types of fast-food restaurants; specifically, he questioned the designation for Hoagie Haven. He requested an opinion from Borough Attorney Maeve Cannon.

Councilwoman Trelstad questioned the rationale behind refusing second-floor offices. Councilman Goldfarb replied that residential use means a more viable, active downtown.

Council President Wilkes voiced concern over the lack of “performance standard” for design ideas of tables, seating, landscaping, and so on. He proposed establishing a quantitative performance standard within the language of the ordinance. Council President Wilkes thought it was important to identify and isolate *sunny* seating areas.

Councilwoman Butler suggested that front yard parking attracts customers to the district.

Councilwoman Trelstad extolled 30-minute meters on downtown streets. She wanted to consider a small amount of allowed parking for East Nassau.

Mr. Kinsey observed that elimination of front-yard parking was a direct response to the neighbors’ survey responses.

Jay Mironov, owner of Jay’s Cycles at 249 Nassau Street, informed everyone that his parking lot is no longer chained off at night and is available to other merchants evening customers. He reported a history of abuse of his lot during business hours. As owner of a business facing Nassau Street, Mr. Mironov favored front pull-in parking for the convenience of his employees as well as clients.

Linda Fahamie, project manager for the development of 255 Nassau (on behalf of the Carnevale family), questioned the designation “SB” versus “NB.” She said that portions of SB are

obsolete. Ms. Fahamie has researched Reading-style markets to occupy 255 Nassau and found consumer volume cannot support Borough taxes. Ms. Fahamie clarified that the building is not vacant—two tenants occupied overhead apartments. Ms. Fahamie stated that the Carnevale application to the Planning Board was modified due to (private) outcry from neighbors. Finally, Ms. Fahamie wanted to see NB criteria extended to include both sides of the street in order to equalize opportunities for renting of their properties.

Borough Administrator Robert W. Bruschi offered to mediate among interested groups to achieve the best development of East Nassau Street.

Councilwoman Butler asked the status of Ms. Fahamie's search for tenants. Ms. Fahamie listed a number of quality businesses that wish to occupy the building. The hold-up is in the zoning limitations.

Kristin Appleget, Princeton University, stressed that Princeton University has not met with the other two property owners (Bratman and Carnevale). She agreed that the Bratman property has an easement and the Carnevale easement expired in 2006. If it demonstrated to be a higher and best use, Princeton University would probably agree to move the 25-foot driveway to facilitate development; access through the Princeton University Engineering Quadrangle will *not* be considered.

Mr. Sturgis provided the Website for the Borough's neighborhood-based planning.

Jim Constantine, Spruce Street, commented that current design standards already prohibit front-yard parking, a vestige of the "Gasoline Alley" days of years ago.

Yina Moore, 19 Green Street, saw many lost opportunities for the properties in question—for neighborhood residents as well as the owners. She encouraged Council to push a development plan forward with Planning.

Chip Crider, Bank Street, thought the properties should be pooled in a corporation with shares determined by market value; or one owner buy out the other.

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

Councilwoman Crumiller asked the difference between Carnevales' needs and the neighborhood's needs under zoning rules—that is, NB as opposed to modified SB.

Mr. Schneiderman repeated that his group's job was to inform Council as to survey respondents' wants for the district:

1. Property owners want to do *something*
2. Community listened carefully to suggestions
3. High degree of unanimity in residents' desires
4. Council to guide toward next steps and push for action.

Councilman Goldfarb noted that a significant stakeholder, Rite Aid (holding a four-year lease on the Bratmans' property), has yet to be heard from.

Councilman Martindell thought drafting an ordinance at this time would be a good first step.

Councilwoman Trelstad wanted first to examine NB and SB zoning ordinances in conjunction with the East Nassau presentation.

Mayor Trotman saw no negative in instructing staff to start preparing an appropriate revised ordinance for placement on an October agenda.

Councilman Goldfarb moved to set a date in October when both Land Use Development Official Derek Bridger and Planning Board Director Lee O. Solow can attend; with the pertinent agenda package to include existing NB and SB ordinances and a proposed ordinance to change the SB to NB zoning on East Nassau Street.

Councilman Martindell seconded.

Councilwoman Butler wondered why a supermarket has consistently failed in the Carnevale building. She distinguished between what the public says it wants and what businesses it actually supports.

Council President Wilkes stressed that, along with the five identified parties, all owners in SB zones should participate. He thought it was too early to draft any specific changes.

Hearing no further discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion carried.

Mayor Trotman read **Agenda Item H, New Business (1) — Resolution 2011-R238** as follows:

**RESOLUTION 2011-R238
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING A PERSON TO PERSON TRANSFER
OF LIQUOR LICENSE TO ML7 WITHERSPOON, LLC.**

BE IT RESOLVED by the Mayor and Council of the Borough of Princeton:

1. An application has been filed for a person-to-person transfer of Plenary Retail Distribution License No. 1109-33-007-001, heretofore issued to Lahiere's Restaurant, Inc.; the following findings of fact have been determined:

the application is complete in all respects, the transfer fees have been paid, the license has been properly renewed for the current license term; and

the applicant is qualified to be licensed according to all standards established by N.J.S.A. 33:1-1 et seq., regulations promulgated thereunder, as well as pertinent Borough ordinances and conditions consistent with Title 33; in addition, the applicant is qualified as to legal age, there are no convictions for crimes of moral turpitude, and the applicant does not have a beneficial interest in more than two retail licenses; and

that the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

2. The following applicant is hereby adjudged to be entitled to the alcoholic beverage license for the licensed premises and with the effective date set forth below:

Name of Licensee:	ML7 Witherspoon License, LLC
Trading As:	n/a
Kind of License:	Plenary Retail Consumption
License Number:	1109-44-007-001
Address of License:	7 Gracie Square 2C New York, New York 10028
Location of License:	5-13 Witherspoon Street
Effective Date:	13 September 2011

3. The Borough Clerk is hereby authorized and directed to sign and issue license certificate in accordance with the foregoing on behalf of the Mayor and Council of the Borough of Princeton and to endorse the license certificate to the new ownership as follows: "This license, subject to all terms and conditions, is hereby transferred to **ML7 Witherspoon License, LLC** effective 13 September 2011"

Councilwoman Trelstad moved to approve Resolution 2011-R238 and Councilman Goldfarb seconded. Mr. Bruschi explained that the new owner of 5-13 Witherspoon Street has purchased the liquor license from the previous owner. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (2) — Resolution 2011-R239** as follows:

**RESOLUTION 2011-R239
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING GRANT APPLICATION TO
NJ DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Borough of Princeton is applying to the New Jersey Department of Transportation (NJDOT) Local Aid for a Municipal Aid grant for the 2012 Funding year; and

WHEREAS, the Borough has specifically filed for a Municipal Aid project entitled *Improvements to Moore Street, Park Place and Vandeventer Avenue*; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that Robert W. Bruschi, Borough Administrator and the Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2012 Princeton Borough-00336 to the New Jersey Department of Transportation on behalf of the Borough of Princeton.

BE IT FURTHER RESOLVED that Robert W. Bruschi, Borough Administrator and the Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Princeton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Council President Wilkes moved to approve Resolution 2011-R239, Councilman Martindell seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (3) — Resolution 2011-R240** as follows:

**RESOLUTION 2011-R240
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT FOR TWO (2)
2012 DUMP TRUCKS TO
BUCKS COUNTY INTERNATIONAL, INC.**

WHEREAS, the Borough of Princeton has determined the need for two (2) 2012 dump trucks with plows to replace two (2) dump trucks that were recently auctioned; and

WHEREAS, the Borough has solicited bid proposals for same which were publicly opened on August 31, 2011; and

WHEREAS, the Borough received the following bids:

Buck County International, Inc.
Base bid \$253,870.00

Brown’s Hunterdon International, LLC
Base bid \$269,514.00

WHEREAS, the Borough Engineer has reviewed the bids and determined that the bid submitted by Bucks County International Inc., 134 Old Oxford Valley Road, Langhorne, PA 19047 is responsible bid and is within the Engineer’s Estimate for this project, and

WHEREAS, the Borough’s Chief Financial Officer has certified that funds are available for the purposes set forth herein.

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

Authorize the award of two (2) 2012 dump trucks with plows to Bucks County International, Inc., 134 Old Oxford Valley Road, Langhorne, PA 19047 in the amount of \$253,870.00 as set forth in the bid specifications.

Councilman Martindell moved to approve Resolution 2011-R240 and Councilwoman Trelstad seconded. Mr. Bruschi stated that one truck was budgeted in 2010; these are replacement vehicles. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, Bill List for September 13, 2011 — Resolution 2011-R241** as follows:

**RESOLUTION 2011-R241
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE SEPTEMBER 13, 2011 BILL LIST**

WHEREAS, Finance Officer Sandra L. Webb has forwarded the bills received for payment by the Borough of Princeton for review and approval by the Mayor and Council; and

WHEREAS, the Borough Clerk has certified that the vouchers listed on the attached register are a follows:

CURRENT ACCOUNT (11-01)	2,078,116.69
RESERVE ACCOUNT (10-01)	8,671.24
PARKING UTILITY OPERATING FUND (11-05)	9,984.66
PARKING UTILITY OPERATING FUND (10-05)	6,006.00
AFFORDABLE HOUSING OPERATING ACCT (11-24)	322.50
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (11-11)	
CAPITAL ACCOUNT (C-04)	432,982.88
PARKING UTILITY CAPITAL FUND (P-06)	83.00
ESCROW (E-30)	277.49
TRUST FUND (T-13)	2,958.30
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	1,576,144.25

September 13, 2011

ASSESSMENT TRUST FUND (11-11)
GRANT (G-02)

3,739.90

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list as presented.

Councilman Martindell moved to approve Resolution 2011-R241, Councilwoman Trelstad seconded, and Council approved five to one. Councilman Goldfarb continued to oppose payment to New Jersey Assemblyman Reed Gusciora (representing District 15, which includes Princeton Borough) as it is in conflict to the best interests of Borough citizens.

Councilwoman Trelstad moved to adjourn; Councilman Martindell seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:49 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk