

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
October 4, 2011  
Regular Meeting  
Closed Session 6:30 P.M.  
Open Session 7:30 P.M.**

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

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer John M. West, Borough Attorney Maeve E. Cannon, Deputy Borough Clerk Delores A. Williams

Mayor Trotman called the meeting to order at 6:30 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 October 4, 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-R248**, as follows:

**RESOLUTION 2011-R248  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON OCTOBER 4, 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.

Councilman Goldfarb recused himself.

October 4, 2011

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.

Borough Council recessed into closed session.

Councilman Goldfarb returned to Council. At 7:30 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 August 2, 2011.

Councilwoman Trelstad moved to approve the minutes of the open session of August 2, 2011, Councilman Martindell seconded, and Council approved unanimously.

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

Seeing no one, Mayor Trotman closed the public portion.

Councilman Goldfarb asked Mayor Trotman to postpone **Agenda Item G** to the end of the meeting; Mayor Trotman consented.

Mayor Trotman read by title **Agenda Item H, Old Business (1) — Public Hearing and Adoption: Ordinance 2011-22, BOND ORDINANCE PROVIDING FOR SIDEWALK AND OTHER RELATED SANITARY SEWER IMPROVEMENTS IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$105,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$99,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.**

- a. PRE ASSESSMENT HEARING – PROJECT 11-02  
THE RECONSTRUCTION OF PRINCETON AVENUE AND CHARLTON STREET

Council President Wilkes moved to adopt Ordinance 2011-22; Councilwoman Trelstad seconded.

Councilman Goldfarb and Councilwoman Trelstad acknowledged owning properties affected by Ordinance 2011-22.

Councilwoman Trelstad noticed discrepancies in the property lists for Ordinance 2011-22. Councilwoman Trelstad will obtain a proper list from the Borough Clerk and notify her neighbors.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item I, New Business (1) — Introduction and Authorization to Publish Ordinance 2011-23** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 19, ARTICLE XI, SECTION 24 OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974” REGARDING MOTOR VEHICLES AND TRAFFIC.

Council President Wilkes moved to introduce Ordinance 2011-23; Councilwoman Trelstad seconded.

Councilman Goldfarb defined two small areas covered by Ordinance 2011-23: Spring Street from South Tulane to Vandeventer and South Tulane loading zone near Spring. Councilwoman Trelstad observed that these meter changes should encourage shoppers to come and go quickly near the new D’Angelo market.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held November 1, 2011.

Mayor Trotman read **Agenda Item I, New Business (2) — Resolution 2011-R249** as follows:

**RESOLUTION 2011-R249  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED  
BY THE WITHERSPOON GRILL HARVEST FESTIVAL**

**WHEREAS**, The Witherspoon Grill and Princeton Farmers Market has planned its annual Harvest Festival to be held on October 9, 2011 in the Albert Hinds Community Plaza; and

**WHEREAS**, Witherspoon Grill has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Monday October 3, 2011 through Monday October 10 2011 to advertise this program to the entire Princeton Community; and

**WHEREAS**, this banner will be promptly removed after its use as required by Borough ordinances; and

**WHEREAS**, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

**WHEREAS**, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

October 4, 2011

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

Councilman Martindell moved to approve Resolution 2011-R249, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (3) — Resolution 2011-R250** as follows:

**RESOLUTION 2011-R250  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON APPROVING  
LICENSE AGREEMENT FOR SIGNAGE IN THE PUBLIC RIGHT OF WAY  
IN THE BOROUGH OF PRINCETON**

**WHEREAS**, THE Borough has determined the need for a License Agreement to permit the encroachment into the public right of way for Trustees of Princeton University to erect campus way finding signage in eight locations through the Borough, and

**WHEREAS**, the Trustees of Princeton University have indicated their willingness to enter into a License Agreement with the Borough in consideration of \$1.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are hereby authorized to enter into the attached License Agreement with Trustees of Princeton University (the Licensee), for installation of campus way finding signage in eight locations throughout the Borough, along with all provisions of said License Agreement and consideration of payment by the Licensee of \$1.00.

At 7:40 P.M., Councilman Goldfarb recused himself from consideration of **Resolution 2011-R250** and **Agenda Item G, Memorandum of Understanding**, and left the chamber for the evening.

Councilwoman Trelstad moved to approve Resolution 2011-R250 and Council President Wilkes seconded.

Borough Attorney Maeve Cannon thought the 180-day removal period outlined in the license agreement was excessive. In concurrence with PU, the timeframe was reduced to 90 days. Councilwoman Trelstad and Council President Wilkes agreed to the change by the Borough Attorney..

Councilwoman Trelstad thanked Traffic and Transportation Chair Anton Lahnston for his work limiting proliferation of signage throughout Borough.

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

Mayor Trotman read **Agenda Item G, Discussion (1) — MEMORANDUM OF UNDERSTANDING (MOU) – Princeton University, Princeton Borough, Princeton Township**.

Mayor Trotman announced a public Planning Board session scheduled for Thursday, October 6, at Township Hall to discuss Borough E5 zoning ordinance and Township Arts, Education, and Transit ordinance.

Councilwoman Butler asked if the Master Plan and traffic impact will be covered by Planning on October 6. Mayor Trotman answered that the MOU was revised to incorporate Planning's recommendations based on comments from interested parties.

Mayor Trotman established that Planning Board's charge is to determine whether ordinances are consistent with the Master Plan.

Council President Wilkes reminded that the three involved entities have been negotiating matters on the Dinky not directly related to zoning uses. The original MOU, released April 2011, was extensively reviewed by both governing bodies and citizens during the summer months and were subsequently revised to include items deemed missing or inadequate in the original version. The most recent MOU, a collaboration from Princeton University, Borough, and Township, has the main objective of improved rail transit in the community (formerly the purview of New Jersey Transit [NJT]) and all aspects of Dinky service.

Council President Wilkes read the MOU preamble, noting that Dinky service is in the public interest and enumerating the parties' intentions to move forward with suitable rail initiatives—not necessarily incorporating zoning suggestions from Princeton University.

Council President Wilkes stated that the first five paragraphs of the MOU address the condition of the depot today. Upon signing of the MOU, parties agree that the following will commence immediately: (1) make improvements to existing station, (2) increase ridership, and (3) create incentives for attendance at sports and art events. The stipulation that Princeton University will *not* move the station farther from downtown stands unchanged.

Council President Wilkes mentioned revisions made to "Next Generation Transit Service":

- Create Alexander Street / University Place joint task force (AUTF) at time of MOU signing
- Expand scope of AUTF to evaluate long-term transit needs
- AUTF membership of six includes two from Borough, two from Township, two from Princeton University
- Establish service from northeast corridor to Nassau Street
- Untangle comprehensive traffic snarls from ongoing construction and development projects
- Present recommendations to Planning Board within eight months of commencement
- Initiate a mass transit trust fund (\$500,000 seeding from Princeton University)
- Improve pedestrian safety at mid-block crossings on Nassau Street.

Mayor Trotman turned to Council for comments and questions.

Councilman Martindell described the context of AUTF efforts:

- Title searches
- Research of 1984 agreement between New Jersey Transit and Princeton University
- Review Posner's proposal to operate the Dinky through a public-private partnership

- Condemnation of Dinky site deemed too difficult and costly
- “Inverse condemnation” through restrictive zoning also deemed inadvisable.

Councilman Martindell concluded that Princeton University will move the Dinky station *no matter what* action local governments take.

Councilwoman Crumiller read the following statement: *The Memorandum of Understanding (MOU) that we are considering undervalues the loss of the straight shot right-of-way, parking lot and existing Dinky station. It is a pro quo agreement settled behind closed doors and made under threat. The University has clearly given us the hostile message that even if we don't rezone, it will move the station anyway. We might as well get something out of it. That's what it has come down to – that's what we're feeling enormous pressure from – threats.*

*By now, the pretense that it's necessary for the University to move the Dinky in order to build its arts campus or that it needs to move the Dinky for other various reasons has been dispensed with and we all know that the objective is to get rid of the transit easement in order to give the University clear use of its land. The safety issue was debunked by simple numbers and logic, “move the Dinky to save the Dinky” was debunked by New Jersey Transit, and the reasoning that the University wanted to let its employees out at the other end of their parking garage was hopefully never taken seriously as a reason for moving an entire rail station and removing tracks. President Tilghman stated it succinctly when she told us on January 31 that she would not abide train tracks on the campus and gave us the no-or-no-go ultimatum. You don't have to be a real estate mogul to understand that getting rid of the easement for transit use that restricts the property would increase the value of the real estate, both in money terms and in terms of the University community's enjoyment of the peaceful expanse of land that removing the train tracks would create. It explains the University's willingness to hold its Arts Campus expansion hostage to the Dinky, even though the Dinky does not actually thwart any of the University's stated objectives for the expansion.*

*So it's hard to understand why we should trade the Dinky away so cheaply as this MOU.*

*If we go to the first page after the preamble listing benefits we would gain, we can dismiss much about preserving and enhancing the Dinky and increasing ridership. That's all based on the now-debunked assumption that the Dinky is in jeopardy since according to New Jersey Transit, the funding is secure and ridership is adequate. Enhancements would be nice but they are only enhancements. Similarly, there are items in the MOU that are part of the project regardless of where the Dinky ends up – new passenger destinations, arts programming et cetera is great but the University plans to do those things no matter where the Arts Campus ends up.*

*As for shuttles that purport to mitigate the increased distance from the center of town- this is a red flag that MOU is a bad deal. New Jersey Transit acknowledged that adding a shuttle to a trip loses riders. Most people hate shuttles and avoid them like the plague, and when they do take them they wish they didn't have to. This is because waiting for shuttles is especially unpleasant when you're in a hurry. Shuttles highlight the problem with moving the Dinky and detract, rather than add, to the MOU.*

*But the most egregious under-valuation in this MOU is giving away the existing straight shot right-of-way for a so-called floating right of way that leaves us with a zig zag big dipper path circumventing the arts buildings. For those with visions of a light rail connection to Nassau Street some day, this is the most compelling reason not to sign the MOU.*

*The Dinky as we know it is a convenient, fast rail connection to the Northeast Corridor. It works reasonably well in its present location, drawing enough riders to make it one of New Jersey's better performing rail lines. We can get to it quickly from the center of town and we just pull over to drop off passengers and pull out again. It's connected to Nassau Street by sidewalk. Unlike the proposed new station, there are no big stairways to climb down to get to it and it's not behind a parking lot, surrounded by roadways we have to cross. We don't have to do any studies or predictions about ridership – we know it works.*

*If we someday convert the Dinky to light rail along the existing track and extend it to Nassau Street, we preserve these important attributes without downgrading them. Thus, it is fairly certain that converting to light rail and extending it to Nassau Street would improve ridership, since there are no downgrades, and the extension might add new riders. This is not the case with a light rail that is slowed by curves, or an even slower BRT. Clearly such service would be inferior to the straight shot.*

*The current Dinky has proven ridership and funding. Expanding it to light rail best occurs on the existing right of way. The floating easement in the MOU is a cost to the Borough, not a benefit.*

*The only ostensible reason left to give up the Dinky – besides the lighted walkways -- is the \$500,000 transportation trust fund. But proponents of light rail or a BRT should not be tempted by a single payment in the present that sells out the future—that's one reason quid pro quo zoning is considered against the public interest. We should not do it.*

*So, what about the 460 feet, which, by the way, includes a steep incline to go up and down? It seems like it's not much. It takes about two minutes to walk. But it would be a mistake to write it off as meaningless, just because of what it seems. It's easy to ridicule the distance but much harder to ignore the science that predicts the effect of walking distance on ridership. I understand that a lot of people just don't believe this, just like they don't believe in global warming. Walkscore.com actually does a pretty good job of explaining [distance decay function](#), if you're interested.*

*But even if you think the increased walking distance has no effect -- realistically, what value would you put on the extra four minutes a day that Dinky commuters are being asked to give? Is it nothing? Only someone who is not giving up four minutes of his or her own time a day would make that argument.*

*And one final point on the value of the Dinky may be particularly relevant. There has been much talk in the consolidation debate about "boroughness," that intangible quality valued by Borough residents that was given a name in community meetings. We're already losing the Palmer Square post office. We shouldn't also lose another one of the most important contributors to boroughness. Taking a ride on the Dinky is boroughness. It's not like a strip mall. It's along the street, it's public, it's old, simple, solid and it's ours. We all hear the train whistle and love it. Moving the station is losing boroughness – and if you think that is not of value you haven't been listening to the consolidation debate. We value old things, we value character, we value walking and we value the Dinky Station.*

*None of the stuff in the MOU makes up for what we lose. It is not a good deal and I urge my colleagues to vote against it.*

*The MOU is a deal offering \$100,000 down and \$400,000 more on final approval. But the way the way the task force was sold to the public and to me after the failed January 31st ultimatum was as [THE ALEXANDER CORRIDOR/ARTS AND TRANSIT JOINT TASK FORCE](#). There is nothing anywhere in the Task Force resolution about negotiation. The task force was to study the actual benefits and impacts of the arts campus to the two towns and report their findings. I myself believed that among other things, the task force was going to determine what actual material benefits the University was offering the local arts community and I was hoping to get these things writing. We had heard about these benefits in various presentations, but I felt it was my duty to get some type of guarantee for those benefits, especially when it came to performance space, one to approve rezoning. How much money and other things could the University give us in exchange for the loss of the Dinky.*

*So we are now being asked to approve the University's rezoning request before the planning board review and before the public hearings on the ordinance. Much as the MOU strains to say it has nothing to do with the public hearings, the agreement is obviously to rezone in exchange for the benefits. This should be no secret, since if this were not the case, it would not be called an agreement. Instead of this MOU, we need to put the rezoning application back into the public realm where it belongs and let the voters weigh in on whether these benefits are worthwhile in the context of the rezoning ordinance, not here in isolation of it. We need to give the planning board hearing on Thursday and the ordinance hearings a reason to happen.*

*So what do we do about the threat? Can the University just move the Dinky anyway?*

*We all heard the repeated answers at the meeting with the NJ Transit representatives: "We believe the university has the right to move the station and tracks." They were careful not to say that they themselves*

*approved of the plan or that it was good public policy. But if the University has the right, why didn't the University set about moving the station and tracks before this? It would have made our lives easier in terms of this decision and surely the University knows that. There is actually no formal approval by New Jersey Transit and no legal opinion on it has been offered – only vague statements about what people understand and what people believe. In the meantime, they have not had to overrule the local governing body in favor of a private institution. If we approve the MOU, they never will.*

*The next problem I would like the public to know about is Henry Posner, the real estate magnate and Princeton Alum who is offering partner with the Borough to impose eminent domain and buy the land under the Dinky. Here came a proposal for a public private partnership by an experience railroad expert with a plan for a way to save the Dinky and a generous offer to pay for it. We invited him to a public meeting, and after that, a colleague, acting as the liaison, asked Henry to write a letter requesting a meeting to discuss his plan, which he did. But we have never spoken to Henry or taken his proposal seriously. Our colleagues have decided that they do not want to explore this option and we never this potential benefactor back. Regardless of whether you suspect that this plan is untenable, or even think it's crazy, it was an extreme disservice to Borough residents for us to turn away this extremely large gift without knowing all the facts or understanding the actual proposal. Mr. Posner has told us that his proposal does not require New Jersey Transit's cooperation and that he would pay all legal costs. Is this at least not worth talking about? Mr. Posner has formed successful public private partnerships with entire governments in other countries. We should speak with Mr. Posner about his plan in a work session where we can all ask questions and at the least assure ourselves we're doing the right thing by rejecting his plan.*

*OK so what it comes down to is that this whole deal hinges on the University insisting it has the right to move the Dinky. It can no longer pretend it's for a higher purpose like art or that it's the right thing to do for transit since obviously the straight shot right of way is best for transit. No one is arguing that moving the Dinky is good policy. How can the University behave this way, with no ideals whatsoever, just because they can?*

*I offer another option. Let's go down a different path together to find a win-win This agreement sends a signal to the Planning Board and to New Jersey Transit that we approve of moving the Dinky. I can guarantee this is how it will be used. We should not approve it. But barring that, we should at least wait until after the public hearings. I ask my colleagues to postpone out of deference to the public.*

Councilwoman Butler agreed wholeheartedly with Councilwoman Crumiller's remarks.

Councilwoman Butler read the following for Council approval: An **Amendment to the Memorandum of Understanding**

*The accompanying Memorandum of Understanding has been negotiated on the assumption that Princeton University has the right to relocate the existing Dinky terminus southward beyond Borough boundaries and into the Township and to cause the abandonment of a transit right of way that the Princeton community has enjoyed for over a century. We do not share that assumption.*

*We further believe that the proposed relocation of the terminus and planned abandonment of the Borough Dinky right of way is unwise public policy that will work at cross purposes with sustainable growth because, among other reasons, it will decrease pedestrian access to the Dinky rail line with no countervailing benefits to our constituents. While we recognize the value of the University's arts education program, we are satisfied that the proposed arts development plan can proceed without a relocation of the Dinky and planned abandonment of the public transit right of way. In our opinion, the University's desire to facilitate automobile commuter access to its Lot 7 garage cannot justify the loss of convenient pedestrian access to this historic train link to the Northeast Corridor.*

October 4, 2011

*Accordingly, nothing in this resolution or in the accompanying Memorandum of Understanding should be construed as signaling our belief that the proposed relocation of the Dinky reflects sound or wise public policy or of our belief that the move will serve the best interests of our constituents.*

Councilwoman Butler questioned timing of the MOU vote; it will interfere with the continuing efforts of the Planning Board and undermine Planning's authority.

Councilwoman Butler asked how *found money* of \$500,000 would be allocated. Borough Administrator Robert Bruschi, saying there are several different lists in which money could be allocated.

Mr. Bruschi discussed with Council aspects of the Dinky move—such as loss of revenue to Borough, disruptions in commuter service

Councilwoman Crumiller seconded Councilwoman Butler's amendment to the MOU.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. She reminded that statements from the audience are limited to three minutes each.

Anne Neumann, Princeton Borough, thanked Councilwoman Crumiller for her eloquent statement. Ms. Neumann announced that she and her husband are among plaintiffs in a suit against Princeton University. She hoped to postpone a vote on the MOU until the suit has run its course.

Jim Hartford, Township, thought the towns and Princeton University had to think beyond their own interests.

Eric Dutaud, Chestnut Street, expressed shame over PU behavior. He compared a vote in favor of the MOU to bending before a titan.

Rodney Fisk, Birch Avenue, stated that the Dinky could be converted to a light rail and extended to Nassau Street, with more round trips per hour, for \$10 million (100% Federal financing). He observed that contributions already volunteered by Princeton University represent 10% of the total capital cost. Mr. Fisk called the MOU a "Memorandum of Capitulation."

Peter Wolanin, Spruce Street, favored Frick Chemistry building (currently vacant) for an arts center. He said moving the Dinky makes a bad proposal into one nearing evil. Mr. Wolanin asked that the vote on the MOU be suspended until after public hearings and comments from Zoning and the Planning departments.

Kip Cherry, 24 Dempsey Avenue, voiced concern over the revised MOU—in particular, that the Dinky train could disappear in favor of a bus rapid transit system.

Ronald Nielsen, Humbert Street, stated that diminishing global oil supplies will make debts harder to repay and financial contractions necessary. A railroad will become increasingly valuable.

October 4, 2011

Joe Small, Hawthorne Avenue, quoted Councilman Martindell's opinion that the Dinky move is bad policy and may not be legal. He insisted that moving the Dinky building is not necessary; especially before a transit study has been conducted to resolve the Alexander traffic matter. Mr. Small denied any value inherent in the easement.

Jill Jachera, 60 Hodge Road, observed that Princeton University does not *have to* contribute anything. She stated that walking to the train is not a *right*—it is an important *desire*. She worried about future dysfunction between Borough and Princeton University from name-calling over this idea.

Chip Crider, Bank Street, reviewed the benefit of an open-minded transportation study. He reminded of his recommendation that citizens sit on a transit task force.

Yina Moore, 19 Green Street, Planning Board member, stated disappointment at the lack of opinion from the attorney hired specifically to look over the right-of-way issues. Ms. Moore detailed ongoing Planning Board activities and asked, "What is the rush?"

Clifford Zink, Aiken Avenue and 30-year Borough resident, summed up Councilwoman Crumiller's remarks that concessions in the MOU do not equal the loss of the Dinky and Wawa to Township. Mr. Zink stated it is bad public policy to remove a transportation amenity from nearby to farther out. Mr. Zink recommended drafting members of the public to offer perspective on the MOU; leave Zoning to do its work before a vote on MOU.

Bob Durkee, Princeton University, corrected some misstatements; in particular, the Dinky is important to Princeton University (more than half of riders are associated with Princeton University).

Mayor Trotman closed the public discussion and returned to Council, stressing that a dialogue with audience members will not take place.

Councilwoman Crumiller stated that no lawyer for New Jersey Transit had presented an opinion to Borough. The Attorney General opinion requested by Council was never produced.

Councilwoman Crumiller asked Borough Attorney Maeve Cannon the role of an easement on a parcel of land. Ms. Cannon stated a conflict of interest from her firm's representation of New Jersey Transit.

Reading from a prepared memorandum, Councilwoman Trelstad said moving the Dinky 460 feet farther from its users was not acceptable public policy; she repeated that scientific data proves ridership is not served with greater distance. Councilwoman Trelstad was sure a compromise regarding the arts complex could be reached between Princeton University and Borough. Councilwoman Trelstad reluctantly intended to vote for the MOU in order to move forward on transit and traffic issues. Councilwoman Trelstad pledged to assure that zoning decisions will benefit the Borough and its residents.

Council President Wilkes discussed the goal of round-trip service to Nassau Street. He hoped Princeton University would welcome the idea of a slow-moving, highly visible train running through campus for students and residents alike. Council President Wilkes foresaw that great ill-will would result from fighting relocation of the terminal. Council President Wilkes stated his intent to vote for the MOU, looking toward improved transit. Especially, Council President Wilkes thought the MOU will embrace consolidation. Council President Wilkes went on to imagine Princeton University's future growth toward the west.

Councilwoman Butler urged deferring a vote until Planning and Zoning have been able to offer opinions to Council.

Councilman Martindell announced that the Borough is in possession of legal opinions summarizing enforceability of the 1984 agreement, condemnation, transit zoning, and so on. There is also an opinion that the right-of-way is enforceable; Princeton University has agreed in writing.

Councilman Martindell denied that the Borough will lose the Dinky through the MOU; the Dinky is not the Borough's to give up. Councilman Martindell feels *amends* are sufficient and zoning should now be considered on its own merits. Councilman Martindell emphasized that consolidation is completely independent of MOU.

Mayor Trotman informed that the Palmer Square post office will move to a nearby location, a smaller building, in Princeton proper without interruption of service.

Councilwoman Butler moved her amendment to the MOU; Councilwoman Crumiller seconded.

Councilman Martindell noted that the MOU is a three-party document and cannot be changed by one participant. He said the MOU would be effectively tabled until all parties consent, if ever. He supported approval of the amendment as a separate resolution during a subsequent Council meeting.

Councilwoman Butler stated that MOU is a weak document and should be polished. She asserted the Borough could do better.

Councilwoman Crumiller speculated that the MOU will be further held up while New Jersey Transit considers the station move.

Mayor Trotman called for a show of hands on the amendment. Councilwoman Butler and Councilwoman Crumiller voted in favor; Council President Wilkes, Councilman Martindell, and Councilwoman Trelstad were opposed. The nays prevailed three to two.

Councilwoman Trelstad moved to approve the MOU; Councilman Wilkes seconded. Mayor Trotman called for a show of hands. The motion carried three to two, with Councilwoman Butler and Councilwoman Crumiller against.

*October 4, 2011*

Councilwoman Butler moved to adjourn; Council President Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 10:05 P.M.

Respectfully submitted,

**Delores A. Williams**  
**Deputy Borough Clerk**