

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
April 10, 2012**

**Joint Open Session with Princeton Township Committee
And
Regular Meeting
7:00 P.M.**

Present: **Borough** Council President Barbara Trelstad, Councilwoman Jo Butler, Councilwoman Jenny Crumiller, Councilwoman Heather Howard, Councilman Roger Martindell, Councilwoman Kevin Wilkes, Mayor Yina Moore

Township Mayor Chad Goerner, Committeewoman Liz Lempert, Committeeman Lance Liverman, Committeeman Bernard Miller, Committeewoman Sue Nemeth

Absent: None

Staff Present: **Borough** Administrator Robert W. Bruschi, Assistant Borough Attorney Henry Chou, Deputy Borough Clerk Delores A. Williams

Township Township Attorney Edwin Schmierer, Township Finance Officer Kathy Monzo, Township Clerk Linda S. McDermott

Joint Planning Board Director Lee O. Solow

Mayor Moore called the meeting to order at 7:05 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 April 10, 2012, 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 Moore asked all present to rise for **Agenda Item C, Salute to the Flag.**

Mayor Moore read **Agenda Item D, Public Presentation,** and asked if anyone present wished to address the bodies with an issue not on the agenda. Mayor Moore stated there will be a five-minute limit on public presentations.

Roy James, Deputy Fire Chief, reported he had accompanied the World Trade Center steel from Brooklyn to Princeton on March 24, 2012. The trip was inspiring, as all bridges and overpasses were crowded with well-wishers and all major highways were closed for passage of the two-mile convoy that had a New Jersey State Police escort. Mr. James asked Council and Committee to agree upon a location for the memorial and to find funds for its design and construction.

David Shrayner, Spruce Street, had conducted a survey of emergency responders to determine housing needs for that population and to ascertain the likelihood of volunteers using designated downtown housing. Less than half of the responders live in Princeton; the local group tends to be older and less active. Of 200 surveys distributed, 55 were returned with overwhelmingly positive interest in the housing, if made available to volunteers. Mr. Shrayner said that most responding households had lower annual incomes than the range defined for workforce housing. Mr. Shrayner provided detailed statistics on the households' profiles.

Peter Marks, Borough, commended the public performance of Mayor Moore and Councilman Martindell. He encouraged both individuals to run independently if excluded from the Democratic Party slate.

Mayor Moore read **Agenda Item E, Transition Task Force (TTF) (1) — Budget Review and Approval.**

Scott Sillars explained that each governing body appropriated \$25,000 toward the Transition Task Force's costs for planning the transition—not transition actual costs. He said presently the task force calculates its required funds at \$149,050 to be spread among: (1) less than \$40,000 for attorneys, (2) \$60,000 for CGR, (3) \$27,500 for KSS Architects, and (4) \$13,000 for contingencies. Not included are standard operating expenditures for police and dispatch revamp, which will be paid directly from departments.

For the Borough, Council President Trelstad moved to accept the Transition Task Force budget; Councilwoman Butler seconded. Council accepted unanimously.

For the Township, Committeeman Liverman moved to accept the Transition Task Force budget; Committeeman Miller seconded. Committee accepted four to zero, with Mayor Chad Goerner abstaining.

Mayor Moore read **Agenda Item E, TTF (2) — Subcommittee Reports.**

Public Safety. Mark Freda said Public Safety is examining police staffing and dispatching options. The two police departments, Princeton University Public Safety, and the Mercer County Prosecutor's Office will meet to review different areas of law to shape future policing activities and, possibly, joint staffing for the united town. Mr. Freda remarked that a very aggressive subcommittee timeline is upcoming for April and May.

Personnel. Thea Berkhout reported eight areas on their agenda, including process and criteria for appointing interim positions (that is, jobs now redundant). Some nominations will be ready April 17, with the rest to follow shortly. The subcommittee is reviewing options for involuntary

separations, looking to align savings and personnel numbers with the Joint Consolidation Commission's recommendations. A sub-subcommittee is reconciling policies and benefits.

Councilman Martindell asked what the process is for determining new department heads and when recommendations will be submitted. Ms. Berkhout replied that the list will be presented to the Transition Task Force on April 17; after revisions, then to the two governing bodies by month end. Ms. Berkhout hoped the document for the task force would include—among others—how a subset will be comprised, how decisions should be made, and how governments should look at the decisions in order to assure a fair and legally defensible process.

Public Works. Brad Middlekauff—Renamed Infrastructure and Operations Committee (formerly Public Works, Sewer Operating, Engineering) is focusing on proper organizational structure—from one umbrella unit to several disparate departments—to be discussed April 13. Short-term issues are service level for brush, leaf, and compost removal; Princeton-wide garbage collection (timing for bids); consolidated facilities. Mr. Middlekauff said the Infrastructure and Operations Committee will work closely with the Facilities Subcommittee.

Information Technology. Gary Patterson said IT is working closely with Bob McQueen, Township, and Bob Hough, Borough. First task under the CGR deadline of April 15 is to provide an inventory of all hardware, software, and support. Next is to identify a successor software/hardware structure. IT is drafting a process to select a joint consultant, who will possibly assist with the transition. Other projects include conversion of the phone system, website management and construction, email options, and documentation of IT operating and capital budgets. Mr. Patterson did not anticipate resolving all IT issues by January 1, 2013.

Boards Committee. Hendricks Davis defined his work as compiling inventory of existing citizen participation groups, the statutes that give them standing, and how those statutes must be refined. He mentioned the age span of citizen helpers range from 49 to 83, and that interested parties with knowledge of advisory planning districts should attend the meeting of April 19, 2012.

Committeewoman Sue Nemeth pointed out the need for a formal application process.

Council President Trelstad wanted the Boards Committee to encourage current volunteers to stay on. Mr. Davis denied that responsibility.

Finance. Mr. Sillars stated:

1. Primary objective of monitoring other subcommittees' recommendations for consistency with benefits outlined by the Joint Consolidation Commission.
2. Monitoring and projecting transition costs.
3. Finding other financial implications (open space tax, for example).

There will be a public presentation at the Princeton Public Library on May 5, 2012.

Facilities and Other Assets. Bernie Miller reported that with legal guidance, other assets will be handled through administration. Committee will meet with subcontracting consultant KSS on April 13th to consider:

1. Inventory of space available, including recreation facility in Township;
2. Space requirements of each department;
3. How to house departments.

KSS will recommend housing options in the three present buildings to the Transition Task Force.

Council President Trelstad moved to approve the KSS contract; Councilwoman Butler seconded; Council approved unanimously.

Mayor Moore read **Agenda Item E, TTF (3) — Cross-Training Shared Services Agreement.**

Borough Administrator Robert Bruschi stated that both staffs have been meeting to look at operational issues, to work on problem solving, and so on. He anticipated much more joint cooperation over the coming months. This agreement is supported by both governing bodies, with the hope of moving operations prior to January 1, 2013.

Council President Trelstad moved to accept the shared services agreement, Councilman Wilkes seconded, and Council approved unanimously.

Committeewoman Lempert moved to accept the shared services agreement, Committeewoman Nemeth seconded, and Committee approved unanimously.

Mayor Moore read **Agenda Item E, TTF (4) — Conflict of Interest Policy.**

Edwin W. Schmierer, Township Attorney, stated that to avoid (appearances) of conflicts of interest, the best idea was to track the language of local government ethics law. He said the code of conduct was automatically circulated to anyone joining boards and agencies.

Township Mayor Chad Goerner suggested Council and Committee review the pledge and vote at their individual meetings.

Mr. Chou accepted the pledge as worded. Council President Trelstad requested confirmation from the task force as to the content of the new form. Mark Freda, Chair of the Transition Task Force, saw no overriding concern from the Transition Task Force. Anton Lahnston, Chair of the Joint Consolidation Commission, distributed the policy to all members. The commission will meet for a vote on April 18, 2012.

Councilman Martindell warned that both the task force and consolidation committee members should be advised of the possibility of being barred from future employment opportunities in the new municipality.

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Councilwoman Butler commented that such late introduction of a conflict policy insults the worthy volunteers through insinuation of previous improper behavior.

Mayor Moore clarified that the conflict of interest is temporally related to the appointment and the employment, whereas past documents reflected that current service would preclude any future opportunity.

Mayor Moore requested remarks from the Transition Task Force members in the audience.

Brad Middlekauff asked if the policy would cover subcommittee members. Township Attorney Edwin Schmierer hoped all volunteers would be guided by the same principles.

Council President Trelstad moved Council consider voting on the conflict of interest policy at a later meeting—after hearing from individuals on the Joint Consolidation Commission and the Transition Task Force. Councilwoman Howard seconded. Council approved unanimously.

Mayor Moore read **Agenda Item E, TTF (5) — Timeline Review.**

Council and Committee had no comment on the Priority Task Inventory.

Council President Trelstad moved to adjourn the joint portion; Councilman Wilkes seconded. There being no further joint business, Mayor Moore adjourned the meeting.

At 8:15 P.M., Council reconvened for Borough-only agenda items.

Mayor Moore read **Agenda Item G, Reports (1) — Council Liaison Reports.**

Councilwoman Butler announced the Corner House fundraiser, “Groovy Night,” to be held April 20, 2012.

Mayor Moore read **Agenda Item H, Discussion (1) — Hospital Site.**

Mayor Moore summarized the status of Ordinance 2012-05, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A, LAND USE OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING MIXED RESIDENTIAL – RETAIL-OFFICE (MRRO) ZONE

Councilman Martindell addressed the widely misunderstood Council vote to refer Ordinance 2012-05 to the Regional Planning Board; it was not an indication of endorsement.

Councilwoman Butler looked forward to hearing public commentary on Ordinance 2012-05. She said she had warned prospective developer Avalon Bay that community support of the development was mandatory for government sanction.

Regional Planning Board Director Lee Solow recapped Ordinance 2012-05’s history. He emphasized that the medical arts buildings and residences on Harris Road are not included in the

MRRO Zone. Amendments to Ordinance 2012-05 approve additional signage, child care facilities and a leasing office, modifies restrictions for lofts and setbacks, and a density bonus of 44 units (from 280 to 324). Mr. Solow mentioned a packet of information from Avalon that includes site plan, storm water report, traffic report, planner's report, and environmental impact statement.

Mr. Solow stressed that changes to Ordinance 2012-05 will affect Avalon Bay, as well as, any other potential developer of the site who might come forward. He explained that design standards are subjective guidelines and must be measurable and equally enforceable across various development ideas.

Assistant Borough Attorney Henry Chou mentioned a Supreme Court opinion that ordinances must be objective—not vague or subjective and open to interpretation.

Mayor Moore opened the public discussion and asked if anyone wished to address Council on this issue. Mayor Moore explained the three-minute limit for public comment; no dialogue with Council members is permitted at this time.

Alexi Assmus introduced Peter Marks, real estate professional of 27 years, and ceded her allotted time to him.

Mr. Marks presented the financial case showing that fewer rental units can be viable for both purchaser and hospital. He said support for Avalon's plan comes from (1) believers that the hospital needs the money to offset moving costs, and (2) people who want more affordable housing. Neither scheme is incompatible with lower-density development. Mr. Marks identified parcels of the site:

1. Housing—1.98 acres at \$5.7 million;
2. Office—0.9 of an acre at \$7.2 million;
3. Garage—1.32 acres at \$11+ million;
4. Hospital—5.63 acres at \$5.4 million.

Mr. Marks translated the \$5.4 million hospital footprint into \$19,000 per unit land cost for 280 zoned apartments; additional 44 units results in land cost of \$16,700 each. He estimated rents versus expenses to equal \$17,000 profit per unit per year, for a current yield on investment of 17%.

Matt Wasserman, Township, read into the record a resolution from the Princeton Environmental Commission. Providing specific green elements, he encouraged Council to create an ordinance that meets environmental needs including green roofs, rainwater harvesting, efficient lighting, permeable pavement, and so on.

Heidi Fichtenbaum, 38 Carnahan Place, read statistics from a State of New Jersey published environmental recommendation on sewers.

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Jacqueline Shire, 131 Moore Street, urged everyone to examine photographs of existing Avalon Bay apartment complexes and consult reviews indicating that Avalon is not a friendly, well-liked landlord.

Daniel Harris, 28 Dodds Lane, distributed materials from which he read aloud. Mr. Harris feared that Ordinance 2012-05 discards all protections against inappropriate development.

Anne Neumann, Borough resident and member of the Affordable Housing Board, agreed that greater density is suitable for in-town areas only if full affordable quota is met. She stated that a gated community is antithetical to harmony. She referred everyone to the variety of Princeton Future development ideas from a few years ago featuring multiple local developers.

Marco Gottardis, 9 Harris, feared a bait-and-switch in development of the hospital site. He wants the neighborhood to stay as it is. Council cannot influence the hospital's decision to sell, but can hold firm on zoning to protect the neighbors.

Helmut Schwab, Borough resident, worried about bulk development at the hospital site—compared it to Manhattan at its worst.

Jeff York, Township, thought consideration should have been given to the creation of a clinic or some sort of triage center at the hospital site at the edge of the Borough and the Township. He begged Council to do something more appropriate for the town.

Joe Bardzilowski, 18 Henry Avenue, pointed out that the proposed improvement is not a gated community, but a walled one.

Councilwoman Howard announced that the Health Commission will be monitoring clinic visits at the new site, where hours have been extended into weekends and evenings.

Pam Hersh, Vice President of Governmental Affairs for Princeton HealthCare System, stated that the hospital is moving closer to 70% of its patients—80% of clinic users. She described hospital efforts to provide transportation for clinic users. Modern medical care requires technology and space not achievable at the Witherspoon location.

Councilman Wilkes mentioned abdication of government's role in planning neighborhoods—street grids, utilities, communities built house by house—in favor of developers that create whole neighborhoods. He was looking for a missing piece—a community partnership (that is, community development organization) that would allow cooperation among government, government bonding, and private capital.

Councilman Martindell added that Councilman Wilkes's idea would inevitably lead to expanded conversation between communities and the hospital about the future of that site.

Councilwoman Crumiller said the reason for convening today's meeting was to send a message to the Regional Planning Board.

Councilwoman Howard was frustrated that Avalon has not been working with townfolk.

Council members sought some design details. Mr. Solow replied:

- The zone does not designate an amount of through-space;
- Avalon intends to comply with required 20% open space (not necessarily publicly accessible);
- Much open space in Borough is private (some even walled in);
- Under Time of Decision Rule, zoning cannot be changed as of submission by applicant.

Seeing no one further, Mayor Moore closed the public discussion.

Council President Trelstad read and moved **Agenda Item J, New Business (2 and 3) — Resolution 2012-R143 and Resolution 2012-R144** as follows:

**RESOLUTION 2012-R143
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A MUNICIPAL SERVICES AGREEMENT WITH
PCH HOMES INC.**

WHEREAS, the Borough has previously entered into an agreement with **PCH Homes, Inc.** a New Jersey nonprofit corporation, (the “Provider”), to fund the purchase of a market rate townhouse located at 246 John Street (the “Property”) and convert it to a deed-restricted low income affordable housing unit; and

WHEREAS, the Property may become exempt from property taxes pursuant to N.J.S.A. 54:4-3.6 based on the use and the Provider’s status as a nonprofit corporation; and

WHEREAS, the Provider has agreed to make annual payments in lieu of taxes and municipal charges notwithstanding the exemption from property taxes; and

WHEREAS, the Borough wishes to enter into a Municipal Services Agreement with the Provider to provide for such payments.

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

The Mayor and Clerk are hereby authorized to enter into a Municipal Services Agreement for the aforesaid payments with **PCH Homes Inc.**

1. PCH Homes, Inc. shall make payments in lieu of taxes and other municipal charges to the Borough in the amount of six (6%) percent of the gross annual rent for the Property per year payable in equal quarterly installments due on February 1, May 1, August 1 and November 1, or otherwise when municipal tax payments would be due on the Property.
2. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
3. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**RESOLUTION 2012-R144
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A MUNICIPAL SERVICES AGREEMENT WITH
PCH HOMES INC.**

WHEREAS, the Borough has previously entered into an agreement with **PCH Homes, Inc.** a New Jersey nonprofit corporation, (the “Provider”), to fund the purchase of a market rate townhouse located at 6 Shirley Court (the “Property”) and convert it to a deed-restricted moderate income affordable housing unit; and

WHEREAS, the Property may become exempt from property taxes pursuant to N.J.S.A. 54:4-3.6 based on the use and the Provider's status as a nonprofit corporation; and

WHEREAS, the Provider has agreed to make annual payments in lieu of taxes and municipal charges notwithstanding the exemption from property taxes; and

WHEREAS, the Borough wishes to enter into a Municipal Services Agreement with the Provider to provide for such payments.

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

The Mayor and Clerk are hereby authorized to enter into a Municipal Services Agreement for the aforesaid payments with **PCH Homes Inc.**

1. PCH Homes, Inc. shall make payments in lieu of taxes and other municipal charges to the Borough in the amount of ten (10%) percent of the gross annual rent for the Property per year payable in equal quarterly installments due on February 1, May 1, August 1 and November 1, or otherwise when municipal tax payments would be due on the Property.
2. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
3. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

Councilwoman Crumiller seconded.

Mr. Bruschi explained that Resolutions 2012-R143 and -R144 approve PILOT programs for the two projects in order to establish funds for future maintenance.

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

Council President Trelstad read and moved **Agenda Item J, New Business (4) — Resolution 2012-R145** as follows:

**RESOLUTION 2012-R145
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE ADOPTION OF THE
REGIONAL GREENHOUSE GAS INITIATIVE**

WHEREAS, increasing levels of greenhouse gases in the atmosphere are accepted by many respected scientists and members of the international community as seriously detrimental to global and local ecosystems, public health and general environment; and

WHEREAS, in 2007 and 2008, the Legislature enacted P.L.2007, c. 112 (C.26: 2C- 37 et al.), entitled the " Global Warming Response Act" (GWRA), and P.L.2007, c. 340 C.26:2C-45 et al.), commonly known as the " Regional Greenhouse Gas Initiative" or " RGGI" implementing law, to reduce greenhouse gas (GHG) emissions from electricity generated statewide, or generated outside of the state but consumed in the state, through participation in regional or interstate initiatives to reduce these emissions, among other things; and

WHEREAS, New Jersey had been one of 10 northeast and Mid-Atlantic States currently participating in RGGI, which established an emissions allowance auction and trading mechanism to reduce the level of GHG emissions on a regional basis and which was agreed to by the signatory states in a Memorandum of Understanding (MOU) signed December 20, 2005 by Governor Codey; and

WHEREAS, the Department of Environmental Protection (DEP) had committed to RGGI by redefining carbon dioxide as an air contaminant (2004) and its mission was later endorsed by the Legislature through the enactment of the GWRA and the RGGI implementing law and the validation of the DEP's action, pursuant to subsection b. of section 11 of the RGGI implementing law (C.26:2C-55); and

WHEREAS, the findings and declarations of the Legislature, set forth in section 1 of the RGGI implementing law (C.26:2C-45), assert that the State should implement cost-effective measures to reduce GHG emissions and that participation with other states is a means to accomplish this objective; and

WHEREAS, section 2 of the GWRA (C.26:2C- 38) declared that there are specific actions that the State could take to help attack global warming, including participating in regional and interstate initiatives to reduce these GHG emissions regionally, nationally, and internationally, and that it is in the public interest to establish a
GHG emissions reduction program; and

WHEREAS, the Legislature would not have authorized the DEP or Board of Public Utilities to participate in RGGI if it did not contemplate or desire New Jersey to participate in a regional GHG reduction program such as RGGI; and

WHEREAS, the RGGI implementing law was enacted following, and to further the purposes of, the GWRA by dedicating to consumer benefit purposes up to 100 percent of the revenues derived from the auction or sale of allowances under an emissions allowance trading program and by authorizing participation with other states in
the formation and activity of the Regional Greenhouse Gas Initiative; and

WHEREAS, in New Jersey, pursuant to the RGGI implementing law, allowance auction proceeds are deposited into the Global Warming Solutions Fund (GWSF), which is statutorily dedicated to support (1) end- use energy efficiency projects and new, efficient electric generation facilities that are state of the art, (2) programs to reduce electricity demand or costs to electricity customers in the low income and moderate-income residential sector, (3) programs designed to promote local government efforts to plan, develop and implement measures to reduce GHG emissions, and (4) programs that enhance the stewardship and restoration of the
State's forests and tidal marshes which provide important opportunities to sequester or reduce greenhouse gases; and

WHEREAS, New Jersey has received more than \$ 102 million in proceeds since the first auction the State participated in, but \$ 65 million was diverted by Governor Christie to the State' s General Fund in the Fiscal Year 2011 Budget, from the intended and statutorily dedicated uses of the GWSF; and

WHEREAS, on May 26, 2011, Governor Christie claimed that RGGI is not effective in reducing greenhouse gases and is unlikely to be so in the future, and announced that New Jersey will withdraw from the regional initiative by the end of the year; and

WHEREAS, on behalf of New Jersey, DEP Commissioner Martin sent a letter on May 31, 2011 to RGGI, Inc. declaring the State' s withdrawal from the regional initiative effective December 31, 2011, and confirming New Jersey' s participation in the three allowance auctions remaining in 2011, in which the State will only offer
current control period allowances; and

WHEREAS, under the GWRA, the State is directed to significantly decrease the amount of GHG emissions by establishing a " 2050 limit," a level of GH emissions equal to 80 percent less than the 2006 level of statewide GHG emissions, by January 1, 2050, in addition to setting a " 2020 limit"; and

WHEREAS, the State' s goals and policies, established under the GWRA and the RGGI implementing law, are effective in reducing GHG emissions, as evidenced by a DEP report, issued May 26, 2011, which indicated that the GHG inventory for 2008 shows 124.9 million metric tons of carbon dioxide equivalent emissions
MMTCO_{2e}) were generated in New Jersey, compared to 135. 9 MMTCO_{2e} in 2007, a reduction of more than eight percent; and

WHEREAS, New Jersey' s participation in RGGI is a key component of the authorization granted and affirmed by the GWRA and the RGGI implementing law, and continued participation in the regional initiative is in the best interest of the state in order to meet the emissions targets established under law; and

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WHEREAS, withdrawal from RGGI would disregard the spirit and intent of the GWRA, the RGGI implementing law, and the MOU signed by the signatory states, and jeopardize the State's ability to reduce GHG emissions and meet the GHG limits established in the GWRA; and

WHEREAS, the announcement by Governor Christie to withdraw New Jersey from the Regional Greenhouse Gas Initiative is inconsistent with the plain language of the Global Warming Response Act" and the RGGI implementing law and would undermine the Legislature's intent to lower greenhouse gas emissions; and

WHEREAS, Both houses of the New Jersey Legislature have passed bills in June 2011, and the New Jersey Senate in March 2012, supporting New Jersey's continuing participation in RGGI:

NOW THEREFORE, BE IT RESOLVED by the Mayor(s) and Princeton Borough and Township Councils, Mercer County, New Jersey:

1. That the Governing Bodies of the Princeton Borough and Township declare that Governor Christie's decision to withdraw New Jersey from the Regional Greenhouse Gas Initiative (RGGI), announced on May 26, 2011, is inconsistent with the intent of the Legislature as expressed in the " Global Warming Response Act," P.L.2007, c. 112 (C.26:2C-37 et al.), and P. L.2007, c.340 (C.26: 2C- 45 et al.), known as the Regional Greenhouse Gas Initiative" or" RGGI" implementing law.

2. That the Governing Bodies further affirm ongoing support for, and commitment to, New Jersey remaining part of the RGGI agreement.

3. That duly authenticated copies of this Resolution shall be transmitted to the Governor, the Senate President, the Assembly Speaker, the Commissioner of Environmental Protection, the President of the Board of Public Utilities, and the Executive Director of RGGI, Inc.

Councilwoman Butler seconded.

Councilwoman Crumiller reported that Governor Christie has withdrawn New Jersey from a group of 10 states that agree to cap their greenhouse emissions, with penalties for polluters and credits for non-polluters.

Councilwoman Howard stated that, since New Jersey is abdicating leadership in the emissions arena, it behooves Princeton to step forward.

Council accepted unanimously.

Council President Trelstad read and moved **Agenda Item J, New Business (5) — Resolution 2012-R146** as follows:

**RESOLUTION 2012-R146
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING BINGO LICENSE BA: 348
TO Mayor MooreCA OF PRINCETON**

WHEREAS, Mayor MooreCA OF PRINCETON has submitted a BINGO application to the Borough Clerk; and

WHEREAS, N.J.A.C. 13:47-4.1 requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period is satisfied on April 3, 2012; and

WHEREAS, Mayor MooreCA OF PRINCETON, in accordance with N.J.A.C. 13:47-3 et seq, has submitted the required fees, four copies of their application, and the Legalized Games of Chance Control Commission (LGCCC) registration form with identification number.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that bingo license BA: 348 for Mayor Moore CA OF PRINCETON be approved; and **BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the Finding and Determinations for BA: 348 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

Councilwoman Butler seconded. Council accepted unanimously.

Council President Trelstad read and moved **new Agenda Item — Resolution 2012-R149** as follows:

**RESOLUTION 2012-R149
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2012 COMMITTEE APPOINTMENTS
FOR A TWO YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed as alternate members to the Borough of Princeton committees for a two-year term through January 1, 2014 as follows:

SITE PLAN REVIEW ADVISORY BOARD Kirsten Thoft (Alternate)

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to each committee and the Office of the Municipal Clerk.

Councilman Wilkes seconded. Council accepted unanimously.

Council President Trelstad read by title and moved **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2012-06, AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PRINCETON, NEW JERSEY.**

Councilwoman Butler seconded.

Mr. Bruschi said Ordinance 2012-06 preserves the right of the new Princeton's flexibility in the event the cap law becomes an issue for joint agencies.

Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the ordinance adopted.

Council President Trelstad read by title and moved **Agenda Item J, New Business (1) — Introduction and Authorization to Publish Ordinance 2012-07, AN ORDINANCE TO ESTABLISH A MUNICIPAL RIGHT OF WAY FOR FUTURE RAIL USES ON THE OFFICIAL MAP OF THE BOROUGH OF PRINCETON AND AMEND CHAPTER 17A, LAND USE OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY.**

Councilman Martindell seconded.

Councilwoman Howard recused herself.

Councilman Martindell reflected that folks interested in preserving the Dinky station had proposed (1) historical classification for the building and its accouterments; or (2) amending the Master Plan whereby the rail line will become a long-term community right of way through altering the official Borough map. Councilman Martindell stated that Council has the right under State statute to declare by ordinance the Borough's intention to make the Dinky line part of the map. He went on to say that, if the Regional Planning Board declines to act, Council can pass a resolution stating why it should be included as an important public right of way for historical, transit, development, livability, and ecological reasons for future generations.

Councilman Martindell stated that a consequence of amending the official Borough map is that no development is permitted on the site for one year after final approval is given to any developer. Ordinance 2012-07 is a tool for advancing value to the community, including Princeton University, and allows further dialogue. Councilman Martindell endorsed Ordinance 2012-07.

Councilwoman Crumiller pointed out that this right of way is a fraction of the current right of way owned by New Jersey Transit on behalf of the public.

Mr. Chou delineated the dimensions of the right of way. He indicated that a Council ordinance to amend the map gives the Regional Planning Board the ability to reserve the right of way on any site plan for one year. Mr. Chou noted that the Borough has not changed its official map since 1977. He said it is unknown how such an ordinance would affect the joined towns.

Council President Trelstad asked about the piece of rail line in the Township; a companion action must be undertaken by the Township. Councilman Martindell responded that Council can only do what is best for the Borough.

Mayor Moore opened the public discussion and asked if anyone wished to address Council on this issue.

Jim McGatey, John Street, read an excerpt from Shirley Tillman that stated: "We cannot see our way clear to allowing the Dinky station to stay where it is and have a railroad train running through a neighborhood that we have purposely designed." Mr. McGatey wanted to encourage Princeton University to seek a second bottom line and measure performance in terms of positive social impact.

Ms. Neumann suggested ceding Lot 4 as part of pedestrian and auto Dinky access if Princeton University incorporates an underground garage in its new arts classrooms. She was sure that McCarter parking will become a terrible issue without Lot 4.

Bob Durkee, Princeton University Vice President and Secretary, compared the Palin "bridge to nowhere" with the proposed right of way. Three Council goals that would be damaged by the right of way are:

1. Improved relationship between Council and Princeton University—Ordinance 2012-07 would make it impossible to meet the terms of the MOU;
2. Minimize financial burdens on Borough taxpayers—to reserve the right of way for municipal purposes would require an upfront market value payment for the option;
3. Good start for newly consolidated Princeton—having to decide between purchasing the right of way option (millions of dollars) or letting it lapse.

Mr. Durkee advised setting aside Ordinance 2012-07 because it can damage all three goals.

Mr. Marks called Mr. Durkee's words "brazen" and "insolent." He wished Mr. Durkee would acknowledge that the town is more than a land bank for Princeton University.

Alan Kornhauser has been striving to save the Dinky service, Dinky line, and Dinky right of way. He pointed out that Princeton University faculty is not supporting the changes. Mr. Kornhauser was confident private donors will protect the Dinky financially.

Kip Cherry, 24 Dempsey, supported the right of way to maintain mass transit options. She recommended corresponding with the Township about the future of the town.

Chip Crider, Borough resident and Township businessman, mentioned the money and right of way extracted from Princeton University with Council's vote for the MOU. He queried what Council is trying to achieve.

Sandra Persichetti, Township, said there is a disconnect between supporting Complete Streets (walking, biking) and worrying about moving the Dinky a few feet.

Seeing no one further, Mayor Moore closed the public discussion and turned to Council.

Councilwoman Crumiller, addressing Mr. Durkee, asserted that Princeton University's sole stated reason for vacating the easement is that it has the right to do it. She said the university does not claim the public or transit's best interests.

Councilman Wilkes identified extending rail transit from the Borough's southern border to Nassau Street as a community goal. He thought Ordinance 2012-07 would disassemble progress to date on making the MOU work.

Council President Trelstad expressed her extreme disappointment that Ordinance 2012-07 places the MOU in jeopardy. She was concerned that rhetoric on both this ordinance and hospital topics has surpassed civility. She concurred that Ordinance 2012-07 constructs a right of way to nowhere because it does not connect to Township's portion.

Councilman Martindell repeated that Ordinance 2012-07 is a future-looking document rather than protection for the Dinky as is. He stressed that there is no bad faith represented. Councilman Martindell downplayed the issue of civility in favor of substantive comment; he personally finds diatribe objectionable.

Mr.Chou said the next step is for the Regional Planning Board to examine Ordinance 2012-07 for consistency with the circulation element of the Master Plan, with a response to Council within 35 days. If consistent, Council can adopt at second reading; if inconsistent, Council must approve a resolution showing reasons to override the Regional Planning Board.

Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Butler, Crumiller, and Martindell voted in the affirmative. Council members Trelstad and Wilkes were opposed. Mayor Moore proclaimed the ordinance introduced with a public hearing to be held May 22, 2012.

Council President Trelstad read **Agenda Item K, Bill List for April 10, 2012 — Resolution 2012-R147** as follows:

**RESOLUTION 2012-R147
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE APRIL 10, 2012 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 (12-01)	1,919,957.31
CURRENT ACCOUNT (11-01)	6,492.18
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	637.67
PARKING UTILITY OPERATING FUND (11-05)	
AFFORDABLE HOUSING OPERATING ACCT (12-24)	3,198.00
AFFORDABLE HOUSING OPERATING ACCT (11-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	
CAPITAL ACCOUNT (C-04)	29,223.45
PARKING UTILITY CAPITAL FUND (P-06)	1,248.00
ESCROW (E-30)	684.82
TRUST FUND (T-13)	29.00
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	5,198,228.29
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	2,501.67

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

Councilman Wilkes moved the bill list and Council President Trelstad seconded. Council approved unanimously five to zero.

Mayor Moore read **Agenda Item L, Resolution 2012-R148**, as follows:

**RESOLUTION 2012-R148
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON APRIL 10, 2012**

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

April 10, 2012

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

1. Litigation

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 Butler moved to approve; Council President Trelstad seconded. Council members Trelstad, Butler, Crumiller, Martindell, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Moore proclaimed the resolution approved. There being no further business, Mayor Moore adjourned the open session meeting at 11:06 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk