

PRINCETON TOWNSHIP COMMITTEE MEETING  
April 12, 2010

A meeting of Township Committee was held on this date at 7:00 p.m. in the main meeting room of the Princeton Township Municipal Complex, 400 Witherspoon Street.

**NOTICE OF MEETING**

The Clerk read the following statement.

The following is an accurate statement concerning the providing of notice of this meeting and said statement shall be entered in the minutes of this meeting. Notice of this meeting as required by Sections 4a, 3d, 13 and 14 of the Open Public Meetings Act has been provided to the public in the form of the 2010 Schedule of Regular Meetings. On January 3, 2010 at 1:25 p.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Trentonian, the Town Topics, and filed with the Township Clerk.

**ROLL CALL**

The Township Clerk then called the roll.

Present: Mayor Miller and Mesdames Lempert and Nemeth and Messrs. Goerner, and Liverman.

Absent: None.

Also Present: Mrs. Monzo, and Messrs Kiser, Pascale, Schmierer and Lt. Henderson

**PRESENTATION – PBA request to erect memorial in plaza in honor of Billie Ellis**

Benjamin Gerhring, President of the Police Benevolent Association, offered a proposal to Township Committee to erect a memorial in the Phyllis L Marchand Plaza in honor of Patrolman Billie Ellis.

**MINUTES**

Ms. Lempert offered a motion to approve the minutes of February 8, 2010. The motion was seconded by Ms. Nemeth and carried by four affirmative votes. Mr. Goerner abstained.

Mr. Liverman offered a motion to approve the minutes of February 22, 2010. The motion was seconded by Mr. Goerner and carried unanimously.

**CONSENT AGENDA**

Contains items of a routine nature, which are approved by a single vote.

- a. Bills & Claims
- b. Maintenance/Performance Guarantees:

- Princeton Day School, Building Reconstruction & Expansion, Completion time extension to December 1, 2010

- c. Music Amplification Requests:
  - Stuart Country Day School, April 17, 2010, 6:00 p.m. to 11:00 p.m.
  - Paul Breitman, 148 Randall Road, Lawn Party on May 1, 2010, 4:30 p.m. to 8:30 p.m.
  - Anita Kakkar, Mountain Lakes, April 17, 2010, 7:00 p.m. to 11:00 p.m., Anniversary Party
  - Princeton University Reunions, May 27, 28, 29, 30, 2010, 9:00 p.m. to 2:00 a.m.
    - \*65<sup>th</sup> Reunion Class of 1945 – Forbes College Tent
    - \*60<sup>th</sup> Reunion Class of 1950– Palmer Pavilion
    - \*55<sup>th</sup> Reunion Class of 1955 – Scully Courtyard
    - \*30<sup>th</sup> Reunion Class of 1980 – Butler College Courtyard
  - Kathleen Winant, wedding June 19, 2010 at Coventry Farm, 7:00 p.m. to 11:00 p.m.
- d. Street Closing Requests:
  - Princeton University for the temporary closure of Washington Road from Prospect Avenue to Faculty Road from 8:00pm until 11:00pm on May 29, 2010 as part of the University's Reunion Weekend.
  - Alice Barfield for the temporary closure of Battle Road between Olden Lane and Battle Road Circle from 5:00pm until 7:00pm on May 31, 2010 as part of the neighborhoods' annual block party.
- e. Resolution to petition the State to fully restore Energy Tax Receipts funding
- f. Resolution for Repurchase of Affordable Housing Unit
- g. Resolution – Police Rules and Regulations
- h. Resolution in Support of Safe Routes to School
- i. Resolution – Community Deer Management Plan
- j. Bid Award: Improvements to Battle Road and Ober Road, Top Line Construction, Somerville, NJ, Not to Exceed \$649,224.77

Mr. Liverman offered a motion to approve the consent agenda as presented. Mr. Goerner seconded the motion, which was carried unanimously.

(Bills & Claims and Resolutions appended to this set of minutes.)

### **2010 Municipal Budget Introduction**

Mr. Pascale and Mrs. Monzo presented a power point presentation to the governing body detailing the 2010 municipal budget.

In summary, the proposed 2010 tax increase is 1.5 cents; the average homeowner increase is \$65.32 per year.

### **Ordinance Introduction:**

Mayor Miller read by title on first reading a proposed ordinance entitled TOWNSHIP OF PRINCETON CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Mr. Goerner offered a motion to approve the proposed ordinance on first reading. Ms. Nemeth seconded the motion, which was carried unanimously. The public hearing was set for May 10, 2010.

**Resolution to Introduce 2010 Municipal Budget (Public Hearing May 24, 2010)**

Ms. Nemeth offered a motion to approve the resolution introducing the 2010 municipal budget. The motion was seconded by Mr. Goerner and carried unanimously. The public hearing will be held May 24, 2010.

**ORDINANCE PUBLIC HEARINGS**

**ESTABLISHING ROAD WORK ZONE REGULATIONS**

Mayor Miller read by title an ordinance entitled AN ORDINANCE ESTABLISHING ROAD WORK ZONE REGULATIONS AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968"

Mr. Schmierer said that the Traffic Safety Committee recommended the adoption of an ordinance concerning conduct on roads in the Township when road work is proposed or is underway. The purpose of establishing these regulations is to make sure that any road work is coordinated with the Engineering Department, Township Police Department and other entities which may be impacted by the work. He said that the regulations are intended to ensure that when work takes place on roadways within the Township, it can be done safely.

Mayor Miller opened the public hearing

There being no further public comment, the public hearing was closed.

Mr. Goerner offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Ms. Lempert and carried unanimously.

**CLARIFYING THE USES IN THE R-A AND R-B ZONING DISTRICT**

Mayor Miller read by title an ordinance entitled AN ORDINANCE CLARIFYING THE USES IN THE R-A AND R-B ZONING DISTRICT AND FURTHER AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”

Mr. Schmierer said that in 1996 a comprehensive zoning ordinance was adopted by the Township concerning nursing homes and assisted living residences. After adoption of this ordinance it was discovered that there was a mistake in the Conditional Use Table. Even after adopting the comprehensive regulations concerning nursing homes and assisted living residences, in Section 10B-320, the Table of Conditional Uses, there continued to appear an asterisk in the column indicating these uses were permitted in the R-A and R-B Residential Zoning Districts.

Mr. Schmierer said that the Township then adopted a corrected ordinance which was challenged by a property owner as a “zoning change” requiring extensive individual notice to property owners. This challenge was upheld by the courts and consequently, the asterisk was not removed from the Conditional Use Table. Due to the cost associated with providing notice if there was an ordinance change, the Township instead referred this matter to the Regional Planning Board to be addressed as a part of their Master Plan Re-Examination Report which took place and on October 18, 2007 the Planning Board unanimously recommended clarifying that assisted living facilities should not be permitted as conditional uses in the R-A or R-B Residential Zoning Districts.

He said that following the recommendation, the law in New Jersey that is specific individual notice making this change is not required and that an ordinance implementing this Master Plan recommendation can be adopted utilizing notice by newspaper publication as is done with all other Land Use and Non Land Use ordinances.

Mayor Miller opened the public hearing

There being no further public comment, the public hearing was closed.

Mr. Goerner offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Ms. Lempert and carried unanimously.

## **ORDINANCE INTRODUCTIONS**

### **AMENDING THE RESIDENTIAL SENIOR COMMUNITY-2 ("RSC-2") OVERLAY ZONE REGULATIONS**

Mayor Miller read by title on first reading a proposed ordinance entitled AN ORDINANCE AMENDING THE RESIDENTIAL SENIOR COMMUNITY-2 ("RSC-2") OVERLAY ZONE REGULATIONS AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

Mr. Schmierer said that on January 28, 2008, the Township Committee adopted an amended RSC-2 Zoning Ordinance. The ordinance served as an overlay ordinance on a twenty one acre parcel of land located in the Township's Office Research Zoning District on Bunn Drive. This overlay ordinance permits the development of the development of the property as a Residential Senior Community (RSC) in lieu of an office building as permitted under the OR regulations.

Mr. Schmierer said that on March 17, 2008, People for Princeton Ridge, Inc. filed a lawsuit challenging this ordinance. Since then, discussions have taken place which resulted in a recommendation to further amend the RSC-2 ordinance.

Mr. Schmierer said that the net effect of the revisions to the RSC-2 ordinance will be to preserve the majority of the tract (approx. 17 acres) permitting development/disturbance to take place on the remaining four acres only. The revised ordinance, therefore, contains additional environmental protection standards for development in the zone on property located on the Princeton Ridge.

Jane Buttars said that the proposed ordinance represents a lot of hard work and thanked everyone involved.

Mr. Goerner offered a motion to approve the proposed ordinance on first reading. Mr. Lempert seconded the motion, which was carried unanimously. The public hearing was set for May 10, 2010.

**THE CONSTRUCTION OF A ROOF OVER THE MOUNTAIN LAKES HOUSE TERRACES**

Mayor Miller read by title on first reading a proposed ordinance entitled BOND ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE CONSTRUCTION OF A ROOF OVER THE MOUNTAIN LAKES HOUSE TERRACES, APPROPRIATING THE SUM OF \$110,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR SAID PURPOSE BY THE TOWNSHIP OF PRINCETON.

Mr. Schmierer said that the Township owns the Mountain Lakes House and that pursuant to a December 4, 2006 Lease Agreement, the facility is managed and operated by the Mountain Lakes Holding Corporation, a subsidy of the Friends of Princeton Open Space. He said that during the spring a temporary canopy is usually erected over the terraces adjacent to the House to accommodate functions taking place at the house. When purchased in 2001, the canopy cost \$20,000. It also costs approximately \$2000. to erect and take down the canopy at the end of the season. At this time the temporary canopy is damaged and in need of repair.

Mr. Schmierer said that the Mountain Lakes Holding Corporation Board would like to install a permanent roof structure over the terraces with a cost estimated at approximately \$100,000. The Mountain Lakes Holding Corporation has requested that since the Township owns the House that the Township consider authorizing a bond for this improvement. The Mountain Lakes Holding Corporation has indicated a willingness to pay all the carrying costs (principal and interest) associated with the issuance of bonds and notes as well as the architectural fees, legal fees, building permit fees, etc for this project.

Mr. Liverman offered a motion to approve the proposed ordinance on first reading. Mr. Goerner seconded the motion, which was carried unanimously. The public hearing was set for May 10, 2010.

**COMMENTS FROM THE AUDIENCE**

Henry Frank, 126 Valley Road spoke to Township Committee about leaves on the berm and requested that the Township go back to the old system with leaves not on the blacktop.

**REPORTS**

Ms. Lempert about the upcoming Communiversy. She also said that the have been about 400 responses to the Environmental Commission leaf survey.

Mr. Goerner said that there will be a joint Borough/Township joint budget meeting and a report about the local transportation imitative.

Mr. Liverman reminded everyone that April 20, 2010 was the School Board Election.

**WORK SESSION****Storm Management – PSE&G**

Frank Lucasi, Public Affairs Manager for Public Service Electric & Gas (PSE&G) discussed the storm management of the historic storm that took place March 13, 2010 and the lessons that were learned. He said that it was the largest power outage in PSE&G history and approximately 153,000 people were without power.

**Proposed Community ID card**

Maria Juega (LALDEF) described a proposed community identification card program noting that it has had a positive reaction from the police departments and that the Library, Corner House and Human Services have all endorsed the program.

Kevin Wilkes, Borough Councilman, and Chair of the Public Safety Committee said that the Borough is discussing the same issue, and said that it was meaningful to public safety personnel.

It was the consensus of Township Committee to support the proposed program and move ahead.

**CLOSED SESSION****RESOLUTION**

**TO GO INTO CLOSED SESSION  
(Open Public Meetings Act Sec.3)**

**BE IT RESOLVED** by the Township Committee of the Township of Princeton:

1. This body will now convene into a closed session that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.

2. The general nature of the subject or subjects to be discussed in said session is as follows:

**Negotiations**

3. Stated as precisely as presently possible, the following are the time when and the circumstances under which the discussion conducted at said session can be disclosed to the public:

Within 90 days or upon settlement of litigation, if applicable

- **PBA & AFSCME Negotiations – Status Report**
- **Princeton Borough, Joint Budget**
- **PFARS**
- **Recreation**
- **Crosstown '62**
- **Corner House**
- **Human Services Commission**
  
- **Revaluation Contract**

The above referenced issues were discussed by Township Committee.

There being no further business the meeting was adjourned at 10:25 p.m.

Linda S. McDermott  
Township Clerk