

PRINCETON TOWNSHIP COMMITTEE MEETING
May 24, 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 Mr. Liverman.

Absent: Mr. Goerner.

Also Present: Mrs. Monzo, and Messrs Kiser, Pascale, Schmierer and Chief Emann.

MINUTES

The minutes of March 31, 2010 were tabled.

Ms. Nemeth offered a motion to approve the minutes of April 26, 2010. The motion was seconded by Ms. Lempert and carried unanimously by those present.

PRESENTATION: Central Jersey Branch, American Society of Civil Engineers Award

CONSENT AGENDA

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

- a. Bills & Claims
- b. Maintenance/Performance Guarantees
- c. Resolution: Medical Stipend Program
- d. Appointment: Judith Applegate, SPRAB
- e. Resolutions: Affordable Housing
 - Subsidy Payment Approval, \$7,441.00
 - Purchase of Mortgage of Affordable Unit, \$34,936.04
 - Purchase of Affordable Unit, \$84,108.00
 - Authorizing Affordable Housing Enforcement

- f. Resolution & Agreement: Washington Oaks Homeowners Association
- g. Professional Services Agreements:
 - Princeton Hydro, Ringoes, NJ, Fish Removal Services at Mountain Lakes, Not to Exceed \$12,650.
 - Melick Tully, South Bound Brook, NJ, Geotechnical Investigation at Community Park Pool Facility, Not to Exceed \$ \$9,555.
- h. Resolution of Endorsement for Housing Initiatives of Princeton (HIP)
- i. Resolution: Stony Brook Path Capital Project: Acquisition of Jasna Polana Easement

Mr. Liverman offered a motion to approve the consent agenda as presented. Ms. Nemeth seconded the motion, which was carried unanimously by those present.

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

ORDINANCE PUBLIC HEARINGS

Tax Sale Certificate Redemptions

Mayor Miller read by title an ordinance entitled AN ORDINANCE ESTABLISHING CHARGES AND REQUESTS FOR TAX SALE CERTIFICATE REDEMPTIONS AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”.

Mr. Schmierer said that recent legislation contains two provisions regarding requests to a tax collector for calculations of the amount necessary to redeem a tax sale certificate.

The first addresses repeated requests for the redemption amount by those parties who are entitled to redeem the certificate. The legislation recognizes that repetitive requests for redemption amounts should be paid by the individual/company making the request. Therefore, the legislation indicates that the first two redemption requests in a given calendar year can be provided at no charge. All subsequent requests in a calendar year can involve a charge by the Township in the amount of fifty dollars per request.

The second change arises when a lien holder is preparing to foreclose on a tax sale certificate and requests from you the calculation of the redemption amount prior to issuing the statutory notices to all parties concerning their intent to foreclose. In that instance, the new legislation also permits a fifty dollar charge for the office’s preparation of the calculation.

Mayor Miller opened the public hearing

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

Ms. Lempert offered a motion to approve the proposed ordinance as amended on second reading.

The motion was seconded by Ms. Nemeth and carried unanimously by those present.

Consumption of Alcohol in Public Places

Mayor Miller read by title an ordinance entitled AN ORDINANCE BY THE TOWNSHIP OF PRINCETON, COUNTY OF MERCER, STATE OF NEW JERSEY CONCERNING CONSUMPTION OF ALCOHOL IN PUBLIC PLACES AND DISORDERLY CONDUCT AND AMENDING CHAPTER XIII OF THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

Mr. Schmierer said that currently the public intoxication ordinances are an issue as a result of litigation challenging the validity of such ordinances throughout the State. Judge Goldman said that she is concerned that she cannot enforce these sections of the Township Code knowing that there are State laws that likely superseded them. Mr. Schmierer said that he had been working with Judge Goldman on the proposed amendments in order to resolve any ambiguities that may exist as to whether portions of these sections are preempted by State law. The proposed revisions include broader language regarding the types of conduct and behavior that constitute public nuisances to avoid a possible conflict with State law. Additionally amendments have been made to clarify legal distinctions between the public consumption of alcoholic beverages by minors versus persons of legal age and at Judge Goldman's suggestion, community service has been included as a possible penalty for such violations.

Mayor Miller opened the public hearing

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

Ms. Lempert offered a motion to approve the proposed ordinance as amended on second reading.

The motion was seconded by Ms. Nemeth and carried unanimously by those present.

Police Department

Mayor Miller read by title an ordinance entitled AN ORDINANCE BY THE TOWNSHIP OF PRINCETON, COUNTY OF MERCER, STATE OF NEW JERSEY REGARDING THE POLICE

DEPARTMENT AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”

Mr. Schmierer said that on April 12, 2010 Township Committee approved the revised rules and regulations for the police department with one requested change; that the Chief of Police is to report to the Township Administrator, and the Mayor, if necessary, on the day to day operations of the Police Department. The proposed revision to section 15-4 of the code appoints the Township Administrator to act as a liaison between the Chief of Police and the Township Committee on the day to day operations of the department.

Mayor Miller opened the public hearing

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

Mr. Liverman offered a motion to approve the proposed ordinance as amended on second reading. The motion was seconded by Ms. Nemeth and carried unanimously by those present.

Snow and Ice Removal

Mayor Miller read by title an ordinance entitled AN ORDINANCE OF THE TOWNSHIP OF PRINCETON REGULATING SNOW AND ICE REMOVAL ON SIDEWALKS AND BICYCLE PATHS, AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”

Mr. Schmierer said that this past winter the Public Works Department had a debate with the Ettl Farm Homeowners Association concerning the removal of snow and ice from the bike paths within the Ettl Farm community. Mr. Schmierer said that the current section 19-2 indicates that the “occupant” of the property abutting either a sidewalk or a bikepath along a public street must remove the snow and ice. The Association took the position that there were no “occupants” immediately adjacent to their bike paths and, therefore, it was the Township’s responsibility to clear the snow and ice.

Mr. Schmierer said that in order to clarify this for the next snow season, the proposed ordinance is an amendment to section 19-2 simply adding “owner” to the code so that it will be clear in the future that the owners of private bike paths within a given community will be responsible for snow and ice removal.

Mayor Miller opened the public hearing

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

Ms. Nemeth offered a motion to approve the proposed ordinance as amended on second reading.

The motion was seconded by Ms. Lempert and carried unanimously by those present.

ORDINANCE INTRODUCTIONS

Photocopy Fees

Mayor Miller read by title on first reading a proposed ordinance entitled AN ORDINANCE CONCERNING PHOTOCOPY FEES FOR PUBLIC RECORDS AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968" .

Mr. Schmierer said that the Open Public Records Act dictates the manner in which municipalities may determine fees to be charged to the members of the public for providing access to and copies of government records. The proposed ordinance specifies that the fees to be charged for providing copies are set at fifteen cents per page for a photocopy.

Mr. Liverman offered a motion to approve the proposed ordinance on first reading. Ms. Lempert seconded the motion, which was carried unanimously by those present. The public hearing was set for June 14, 2010.

Bond Ordinance, Curbing on Ober Road

Mayor Miller read by title on first reading a proposed ordinance entitled BOND ORDINANCE AUTHORIZING AS A LOCAL IMPROVEMENT THE INSTALLATION OF BELGIUM BLOCK CURBING ON BOTH SIDES OF OBER ROAD BETWEEN OLDEN LANE AND SPRINGDALE ROAD, APPROPRIATING THE SUM OF \$36,000.00 THEREFOR, PROVIDING FOR THE FINANCING OF SAID APPROPRIATION BY THE MAKING OF A DOWN PAYMENT AND THE ISSUANCE OF BONDS AND/OR NOTES OF SAID TOWNSHIP, AND FURTHER PROVIDING FOR A SPECIAL ASSESSMENT OF 100% OF THE COST THEREOF.

Mr. Kiser said that the residents along Ober Road between Olden Lane and Springdale Road would like to have Belgium Block curbing installed on both sides of the road when the road is redone.

All of the residents, except one, have agreed to pay for the cost of the curbing. The one resident who declined will have the other residents cover his share.

Ms. Nemeth offered a motion to approve the proposed ordinance on first reading. Ms. Lempert seconded the motion, which was carried unanimously by those present. The public hearing was set for June 14, 2010.

2010 MUNICIPAL BUDGET

- Resolution: To read the budget by title only
- Resolution, "Self Examination" of budget
- Public Hearing on the 2010 Municipal Operating Budget
- Resolution amending the 2010 Municipal Operating Budget
- Adoption of the 2010 Municipal Operating Budget

Resolution: To read the budget by title only

Mayor Miller read a resolution to read the budget by title only. Ms. Lempert offered a motion to approve the resolution as read. Mr. Liverman seconded the motion, which was carried unanimously by those present.

Resolution, "Self Examination" of the 2010 budget

Mayor Miller read a resolution for self examination of the budget. Ms. Nemeth offered a motion to approve the resolution as read. Ms. Lempert seconded the motion, which was carried unanimously by those present.

Public Hearing on the 2010 Municipal Operating Budget

Mr. Pascale and Mrs. Monzo presented a power point presentation explaining the 2010 operating budget for Princeton Township.

Resolution amending the 2010 Municipal Operating Budget

Mayor Miller read a resolution for self examination of the budget. Ms. Lempert offered a motion to approve the resolution as read. Ms. Nemeth seconded the motion, which was carried unanimously by those present.

Adoption of the Operating Budget

Mayor Miller opened the public hearing on the 2010 municipal operating budget. There being no comment, the public hearing was closed.

Ms. Lempert then offered a motion to approve a resolution setting forth the 2010 municipal budget. The motion was seconded by Ms. Nemeth and carried unanimously by those present on a roll call vote.

(Resolutions appended to this set of minutes)

COMMENTS FROM THE AUDIENCE

Henry Frank, 126 Valley Road questioned the use of the Open Space Tax to help offset the budget.

REPORTS

Mr. Liverman reported about the recent “vehicle accident” reenactment at the Princeton High School sponsored by the Princeton Alcohol and Drug Alliance.

Mayor Miller reported on the recent Corner House awards.

WORK SESSION

Citizens Finance Advisory Committee Report

Scott Sillars, Chair of the Citizens Finance Advisory Committee (CFAC) offered a power point presentation detailing the activities of the CFAC.

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:

May 24, 2010

8

Within 90 days or upon settlement of litigation, if applicable

- **PBA Negotiations, Status Report**
- **Consolidation Study, Citizen Appointments**
- **Community ID Card**
- **Valley Road Building, Status Report**
- **Tax Exemption - Center for Theological Inquiry**

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