

May 18, 2009

PRINCETON TOWNSHIP COMMITTEE MEETING
May 18, 2009

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 2009 Schedule of Regular Meetings. On January 4, 2009 at 1:15 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, and 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 Chief Emann

MINUTES

Mr. Liverman offered a motion to approve the minutes of March 24, 2009. The motion was seconded by Mr. Goerner and carried unanimously.

Ms. Nemeth offered a motion to approve the minutes of April 6, 2009. The motion was seconded by Mr. Liverman and carried unanimously.

CONSENT AGENDA

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

- a. Bills & Claims
- b. Maintenance/Performance Guarantee
- The Hun School, Major Site Plan, Athletic Facilities, Completion time extension to July 1, 2009
- c. Appointment: COAH Mediation Team – Audrey Chen
- d. Resolution: COAH Mediation Team

May 18, 2009

- e. Resolution: To Oppose Transfer of Money from Emergency Medical Technician (“EMT”) Training Fund
- f. Resolution: Emergency Authorization, Air Conditioning Compressor Replacement
- g. Resolution: To Increase Temporary Budget
- h. Music Amplification Requests:
 - Mark & Laura Parker, party at Mountain Lakes, May 24, 2009, 6:00 p.m. to 11:00 p.m.
 - Rukhsana Khan, party at 248 Carriage Way, June 5, 2009, 9:00 pm to 11:00 p.m.
- i. Resolution: Authorizing purchase of 281 Griggs Drive for the sum of \$68,633.
- j. Bid Award: Quaker Road Water Main Extension, E. Sambol Corp., Toms River, NJ , \$134,770.00, contingent upon the Princeton Historical Society posting an escrow for this work in accordance with the agreement between The Historical Society and Princeton Township.
- k. Resolution: Appointing an Insurance Fund Commissioner and an Alternate Insurance Fund Commissioner to Serve On The Mid Jersey Municipal Joint Insurance Fund
- l. Resolution: Authorizing Collaboration with the County of Mercer for a Regional Vehicle Wash Facility Feasibility Study

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.)

ORDINANCE PUBLIC HEARINGS

Speed Zones

Mayor Miller read by title an ordinance entitled AN ORDINANCE ESTABLISHING SPEED ZONES FOR THE PRINCETON CHARTER SCHOOL AND THE PRINCETON FRIENDS SCHOOL AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”.

Mr. Schmierer explained that Patrolman Kim Hodges recently completed two school safety surveys. Following the surveys, she found that school zones can and should be established near the Charter School and the Princeton Friends School.

Mayor Miller opened the public hearing. There being no public comment, the public hearing was closed.

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

May 18, 2009

Parking Regulations, Farm View Fields

Mayor Miller read by title an ordinance entitled AN ORDINANCE ESTABLISHING PARKING REGULATIONS WITHIN FARM VIEW FIELDS AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”.

Mr. Schmierer said that the Princeton Township Traffic Safety Bureau has recommended that due to heavy usage of the parking lot at Farm View Fields on Great Road, regulations be established for internal parking purposes. Patrol Officer Kim Hodges has experienced problems with vehicles parking along the driveway entrance and not within designated parking stalls. She also recommended prohibiting vehicles from stopping to drop off persons along the westerly curb of the parking yard.

Mayor Miller opened the public hearing. There being no public comment, the public hearing was closed.

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

Dogs, Annoyance or Injury

Mayor Miller read by title an ordinance entitled AN ORDINANCE PROHIBITING A DOG FROM CREATING AN ANNOYANCE OR INJURY TO PERSONS OR PROPERTY AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”.

Mayor Miller opened the public hearing.

Mr. Goerner suggested a full review of the dog ordinance.

Ms. Nemeth asked if the fine for injury enough. Mark Johnson, Small Animal Control Officer said that he felt that it was sufficient.

Mr. Liverman asked how many dog bite cases have there been. Mr. Johnson said that there were 48 dog bites in 2008, some being repeat offenders.

Mr. Goerner said that it was a lot of responsibility defining “threatening”. He said that we may need more clarity in the ordinance being careful how the ordinance is worded. Mr. Goerner asked that the words “threaten and menace” be stricken from the proposed ordinance. He said that he would prefer to get it right first rather than just get it on the books.

Mayor Miller suggested that the changes be made tonight than reintroduced as amended.

May 18, 2009

Marco Vittaris said that the language was arbitrary and that a dog that growls is giving warning.

Virginia Kerr, 124 Jefferson Road said that she didn't think that the ordinance should be reintroduced tonight. She said that the ordinance punishes normal dog behavior and that the proposed ordinance is vague and should be better defined noting that she is concerned that it may be preempted by state law.

Mr. Goerner suggested that a task force to review the whole dog ordinance be put in place. Mr. Liverman said that the original task force fell apart for some unknown reason. Ms. Nemeth said that she was in favor of a task force.

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

Mr. Goerner offered a motion to defeat the proposed ordinance. Ms. Nemeth seconded the motion, which was carried unanimously.

Mr. Goerner offered a motion to reintroduce the new ordinance as amended. Mr. Liverman seconded the motion, which was carried unanimously. The public hearing was set for June 8, 2009.

Sanitary Sewer Easement

Mayor Miller read by title an ordinance entitled AN ORDINANCE AUTHORIZING THE VACATION OF A SANITARY SEWER EASEMENT ON BLOCK 5403, LOT 12, PRINCETON TOWNSHIP TAX MAP BY THE TOWNSHIP OF PRINCETON.

Mr. Schmierer said that while doing sanitary sewer lateral repair work on State Road near its intersection with Ewing Street, it was discovered that the Township had a sanitary sewer easement in the backyard of 261 State Road which was not being utilized. The property owners, therefore, have requested through the Princeton Sewer Operating Committee that the Township vacate or terminate this easement which is not needed for the public sanitary sewer system.

Mayor Miller opened the public hearing. There being no 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 Mr. Liverman and carried unanimously

ORDINANCE INTRODUCTION

Land Development Application Fees

May 18, 2009

Mayor Miller read by title on first reading a proposed ordinance entitled AN ORDINANCE BY THE TOWNSHIP OF PRINCETON, COUNTY OF MERCER, STATE OF NEW JERSEY AMENDING LAND DEVELOPMENT APPLICATION, ESCROW AND PERMIT FEES AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”.

Mr. Schmierer said that section 10B-36 of the Township Code sets forth the various land development and escrow fees. He said that Deputy Development Enforcement Officer Christine M. Lewandowski, has suggested that we include in the list of various fees the escrow deposit required whenever the Engineering Department determines that a land development application must have its Stormwater Management Plan reviewed. The current requirement for this review appears in section 10B-216 and amounts to \$1,500.00 as an escrow deposit. Ms. Lewandowski would like to move this existing charge to section 10B-36 so that it can be more easily identified and understood by land development applicants.

Mr. Schmierer said that we also charge all applicants a \$30.00 administration fee which is used for Board educational training. While this is mentioned in the text of section 10B-36, Ms. Lewandowski also thought that it would be helpful to list this fee with the schedule of fees so again land development applications will not miss the fee when they file for their approval.

Mr. Liverman 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 June 22, 2009

**2009 MUNICIPAL BUDGET
Ordinance Public Hearing:**

Mayor Miller read by title an ordinance entitled TOWNSHIP OF PRINCETON CALENDAR YEAR 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Mayor Miller opened the public hearing. There being no public comment, the public hearing was closed.

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

May 18, 2009

Resolution: To read the budget by title only

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

Public Hearing on the 2009 Municipal Operating Budget

Mr. Pascale and Mrs. Monzo presented a power point presentation explaining the 2009 operating budget for Princeton Township.

Adoption of the Operating Budget

Mayor Miller opened the public hearing on the 2009 municipal operating budget.

Mr. Goerner said that it is frustrating but many of the increases are out of Township Committee's hands.

Mr. Liverman said that he thought that we were handed in the right direction.

Ms. Nemeth said that she thought that the Citizens Finance Committee might spend some time looking at the Payments in Lieu of Taxes (PILOT) program.

Ms. Lempert asked what is a "healthy" surplus? Mr. Pascale said that every municipality is different and that capital is a big driver. He said that we also need to be prepared for larger state aid cuts in the future.

Mayor Miller noted that the Township's AAA bond rating is very important to maintain as it helps us in getting reduced interest rates.

Joel Greenberg, 145 Parkside Drive asked if a 0% tax increase was ever considered and if so what services would have to be cut? Mr. Goerner said that he originally wanted to see a 0 % increase, and noted that some cuts were made. He said that the Borough did not accept a 0 % cost of living increase for their employees.. Mr. Goerner said that there was a healthy debate on surplus, but at the end of the day, he was comfortable with what was done with this year's budget.

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

Ms. Nemeth then offered a motion to approve a resolution setting forth the 2009 municipal budget. The motion was seconded by Mr. Goerner and carried unanimously on a roll call vote.

May 18, 2009
(Resolutions appended to this set of minutes)

COMMENTS FROM THE AUDIENCE

Jeff Burns, Dodds Lane spoke on behalf of a group opposed to synthetic turf at Barbara Smoyer Park.

Jane Harrison, Princeton University spoke against the use of synthetic turf at Barbara Smoyer Park.

Mr. Goerner said that he appreciated the comments, noting that they would be very effective in front of the Environmental Commission. Mayor Miller said that he is aware of the opposition as he has already been approached. Mr. Goerner noted that where the comments are given is a matter of process.

WORK SESSION

Clover/Deerpath Neighborhood

Lee Solow, Planning Director offered a power point presentation to Township Committee on the Clover Lane/Deerpath Neighborhood proposed zoning changes.

Mr. Solow said that in the spring of 2005, a group of 34 home owners in the Deer Path and Clover Lane neighborhood petitioned the Historic Preservation Commission to undertake an investigation into designating their neighborhood as a historic district. At the conclusion of the investigation many of the residents indicated that they were not interested in seeing the neighborhood designated as a historic district, however, there was a consensus that the neighborhood would like to continue to investigate ways to preserve the character of the Deer Path and Clover Lane residences. Mr. Solow said that staff has met with representatives of the neighborhood and held two neighborhood meetings to discuss options to protect the character of the neighborhood.

Mr. Solow said that the draft ordinance is a result of the meetings and will amend the existing R-5 zoning designation that now covers the Clover Lane and Deer Path neighborhood and creates a new R-5 Community Character district (R-5CC). This new zone adds three additional standards to the R-5 zone. The new standards are that the maximum building height shall be 24 feet; the first 11 feet of depth from the front door of the building closest to the street shall have a maximum building height of 14 feet; the first 12 feet of depth of the building closest to the street shall maintain a maximum roof slope of 1 3/8 "of

May 18, 2009

rise to every 12” of run. Mr. Solow said that the proposed ordinance makes it clear that any pre-existing structure which does not conform to the new R-5CC standards shall be permitted to continue without further zoning relief.

Mayor Miller opened up the discussion to the public.

Sheri Rosen, 43 Clover Lane said that the consensus of the neighbors was not total agreement. She said that there are those who are concerned about the ability to sell their homes, noting that the discussion only focuses on 34 homes and that the ability to expand is only vertical.

Susan Darley, 64 Deerpath said that she is a proponent of compromise and a devotee of historic designation, but would like the process to move forward.

Rafael Sharon, 108 Clover Lane said that he is a strong proponent for historic designation and said that there is a clear majority for the proposed zoning changes.

Salah El Shakhs, 66 Deerpath said that he is in favor of preserving the neighborhood.

Marion Crandall, 72 Clover Lane thought that the proposed zoning changes were excessive.

Marian Sherry, 24 Deerpath said that she was concerned about the negative impact on her property.

Mr. Goerner thanked the neighbors said that there would be restrictions on the character of the neighborhood but that they afforded flexibility. He said that he would like to see more clarity on item “B” and eliminate item “C”.

Ms. Lempert said that she would like to see more clarity, and thought that the changes would lessen the value of the properties.

Ms. Nemeth said that she was skeptical of the proposed zoning changes, noting that she was not a fan of conformity.

Mayor Miller said that the proposed changes need further clarification and said that the ordinance was not ready for introduction this evening.

It was the consensus of Township Committee to introduce the proposed ordinance at the next meeting, depending on changes made.

CLOSED SESSION

May 18, 2009

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/Potential Litigation

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

Negotiations/Potential Litigation

- **Princeton Borough: SOC Audits/Capital Claims – Status Report**
North Ridge Sewer Non Binding Arbitration – Status Report

Mr. Pascale gave a status report to Township Committee regarding the above referenced issues

- **Low Tract Litigation – Status Report**

Mr. Schmierer gave Township Committee a status report regarding the above referenced litigation.

There being no further business the meeting was adjourned at 11:10 p.m.

Linda S. McDermott
Township Clerk