

PRINCETON TOWNSHIP COMMITTEE MEETING  
August 13, 2007

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 2007 Schedule of Regular Meetings. On January 4, 2007 at 7:00 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 Marchand and Mrs. Bergman and Messrs. Goerner, Liverman and Miller.

Absent: None.

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

**MINUTES**

Mr. Miller offered a motion to approve the minutes of June 25, 2007 as corrected. The motion was seconded by Mr. Liverman and carried unanimously.

Mr. Liverman offered a motion to approve the minutes of July 16, 2007 as corrected. The motion was seconded by Mr. Miller and carried unanimously.

**SWEARING IN OF PROBATIONARY PATROL OFFICER – Jennifer L. Lacovara**

Mr. Miller offered a motion authorizing the appointment of probationary patrol officer Jennifer L. Lacovara. Mrs. Bergman seconded the motion which was carried unanimously. Mr. Schmierer then swore in Ms. Lacovara.

(Resolution attached to this set of minutes)

**CONSENT AGENDA**

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

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

- \* William Curnan, Stuart Country Day School - Magnetti Field, Completion Time Extension to December 1, 2007.
  - \* David Cohen, Seija Subdivision, 135 & 149 Terhune Road, Completion Time Extension to December 4, 2007.
  - \* James J. Britt, Princeton University (5):
    - Tennis Court Drainage - Completion Time Extension to November 30, 2007.
    - Boiler House - Renovation & Adaptive Re-Use - Completion Time Extension to November 30, 2007.
    - Lawrence Apartments - Extension of Cash Maintenance Guaranty from August 31st to November 30, 2007 to complete punch list items.
    - Elm Drive Substation Upgrade - Completion Time Extension to November 30, 2007.
    - Tennis Court Relocation, Phases I & II - Completion Time Extension to November 30, 2007.
  - \* Rafael Sharon, Snowden Communities, 606 Snowden Lane - Release performance guaranty contingent upon the receipt of an acceptable two year Maintenance Guaranty in the amount of 15% of the original Performance Guaranty amount.
- c. Music Amplification Requests:
- John Bridgman, Basking Ridge, NJ for a wedding to be held at Mountain Lakes on August 31, 2007, 6:30 p.m. to 11:00 p.m.
  - Babur Hibib, Princeton, for an event to be held at Mountain Lakes on September 2, 2007, 5:30 p.m. to 11:00 p.m.
  - Darren Austin, LaJolla, CA for a wedding to be held at Mountain Lakes on September 29, 2007, until 11:00 p.m.
- d. Street Closing Requests:
- Ann Marciano, Caldwell Drive, between Herrontown Road and Bertrand Drive, on September 23, 2007 (raindate September 30) 2:00 p.m. to 8:00 p.m.
  - Elizabeth Erickson, to close part of Hunt Drive (in front of 100 Hunt Drive) for a block party on September 9, 2007 (raindate to be determined) from 12-3:00p.m.
  - Pamela Goodwin Zetterberg, to close Random Road (between Roper and Poe) for a block party on September 4, 2007 from 5:00 to 8:00 p.m.
- e. Resolution: Acceptance of the 2006 Audit  
Resolution: Corrective Action Plan
- f. Application for State Aid - NJDOT Trust Funds - FY2008
- Reconstruction of Wilson Road (in conjunction with Princeton Borough)
  - Reconstruction of Hilltop Drive, Mansgrove Road and Woodland Drive
- g. Resolution and Agreement: United Bow Hunters of New Jersey, 2007 – 2008 Deer Management Program
- h. Appointment: Sidewalk and Bikeway Advisory Committee, Audrey Chen
- i. Professional Services Agreement: French & Parrello Associates. P.A., Structural Evaluation of the Princeton Township Public Works Garage, Not To Exceed \$1,350.

Mr. Miller offered a motion to approve the consent agenda without items “e” and “g”. Mr. Goerner seconded the motion, which was carried unanimously.

Regarding item “e”, the 2006 Audit, Mr. Morrison, Township Auditor said that the Township’s internal controls were well designed and that it was a very successful audit.

Mrs. Bergman noted a few “housekeeping” items and typographical errors in the report.

Mr. Liverman offered a motion authorizing the acceptance of the 2006 audit with corrections.

The motion was seconded by Mr. Goerner and carried unanimously.

Mr. Miller offered a motion approving the Corrective Action Plan. The motion was seconded by Mrs. Bergman and carried unanimously.

Regarding item "g", Mr. Miller said that he was a staunch supporter of the deer management program with professionals; however, he had concerns with opening the parks which are intended for passive recreation. He said that we have been fortunate that there has been no contact between hunters and residents. Mr. Miller said that the Township is effectively being coerced by the State of New Jersey and that it was time to stand up to them and tell them that we've had enough. He said that he would vote against the agreement with United Bow Hunters.

Mr. Liverman asked what effect voting down the contract would have on the Township.

Mr. Schmierer said that the original deer management program did not include this component, and that the permit was denied. Mr. Schmierer felt that we would have the same result and that the new permit would be denied without this component.

Mr. Goerner said that we were being held hostage by the State.

Thomas Poole, 52 Mason Drive, said that he did not know if we were in a position to argue, but that we should tell United Bow Hunters to either take more deer or that we'll replace them. Mr. Poole said that he always felt that a well organized group of hunters could replace United Bow Hunters.

Mr. Miller said that this might be an opportune time to examine our deer management program with the State.

Mayor Marchand said that she totally agreed with Mr. Miller, but would not want to risk the investment made with White Buffalo. She said that our success was due to a long range program.

Mark Johnson, Small Animal Control Officer, said that the application for this year's deer management plan needs to be submitted to Fish & Game three months in advance.

Mayor Marchand said that the difference is a business contract with White Buffalo and that we've had the best there is and seen success for it.

Mr. Liverman offered a motion approving item “g” with the caveat that the deer management committee work with fish and game to lessen the number of parks and add a set of goals and consequences for United Bow Hunters. Mr. Goerner seconded the motion, which was carried unanimously.

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

## **ORDINANCE INTRODUCTIONS**

### **Potentially Dangerous Dogs**

Mayor Marchand read by title on first reading a proposed ordinance entitled AN ORDINANCE BY THE TOWNSHIP OF PRINCETON ESTABLISHING A LICENSING FEE FOR “POTENTIALLY DANGEROUS” DOGS AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”.

Mr. Schmierer said that Chapter 6 of the Princeton Township Code has a provision permitting the Small Animal Control Officer or Health Officer to have a dog declared “potentially dangerous” following a municipal court proceeding. A “potentially dangerous” dog would be found by the court to have attacked a person causing serious bodily injury or having attacked another dog or another domestic animal causing serious injury, or a dog which has engaged in dog fighting.

Mr. Schmierer said that the State Law has recently been changed to permit a municipality to charge a license fee of \$700.00 for a “potentially dangerous” dog, an increase from the current \$100.00 fee.

Mrs. Bergman offered a motion to approve the proposed ordinance on first reading. Mr. Miller seconded the motion, which was carried unanimously. The public hearing was set for September 10, 2007.

### **Bond Ordinance – Herrontown Circle**

Mayor Marchand read by title on first reading a proposed ordinance entitled BOND ORDINANCE AUTHORIZING AS A LOCAL IMPROVEMENT THE INSTALLATION OF BELGIUM BLOCK CURBING ALONG A PORTION OF HERRONTOWN CIRCLE, APPROPRIATING THE SUM OF \$18,000.00 THEREFORE, PROVIDING FOR THE FINANCING OF SAID APPROPRIATION BY THE MAKING OF A DOWN PAYMENT AND THE ISSUANCE OF

BONDS AND NOTES OF SAID TOWNSHIP, AND FURTHER PROVIDING FOR A SPECIAL ASSESSMENT OF 100% OF THE COST THEREOF.

Mr. Kiser said that in preparation for the resurfacing work to Herrontown Circle, seven property owners have contacted the Engineering Department and requested the installation of Belgium block curbing. Six of these property owners are along the southern side of Herrontown Circle. There is one property owner on the northerly side which would also like Belgium block curbing. The installation of the curbing for all these properties will improve the channeling of storm water flow from Herrontown Road.

Mr. Kiser estimated that the cost of installing the curbing along all seven properties totals \$18,019.58 and since the curbing is being requested by the property owners, they would have to pay 100% of the cost as a local improvement.

Mr. Goerner offered a motion to approve the proposed ordinance on first reading. Mr. Liverman seconded the motion, which was carried unanimously. The public hearing was set for September 10, 2007.

**Bond Ordinance – Griggs Farm**

Mayor Marchand read by title on first reading a proposed ordinance entitled BOND ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$40,000 FOR ADDITIONAL IMPROVEMENTS WITHIN THE GRIGGS FARM COMMUNITY FOR SIDEWALK REPLACEMENT, CURB CUTS, LIGHTING, STORM WATER IMPROVEMENTS AND TRAFFIC STRIPING BY THE TOWNSHIP OF PRINCETON PROVIDING THAT SAID SUPPLEMENTAL APPROPRIATIONS SHALL BE BORNE AS A GENERAL EXPENSE OF SAID TOWNSHIP AND PROVIDING FOR THE FINANCING OF SAID APPROPRIATION BY THE MAKING OF A DOWN PAYMENT AND BY THE ISSUANCE OF BONDS AND NOTES OF SAID TOWNSHIP.

Mr. Schmierer said that the Township has applied to the New Jersey Department of Community Affairs for a supplemental Small Cities Discretionary Grant in the amount of \$40,000. for various capital improvements to the Griggs Farm community.

The Township had previously received a \$200,000. Small Cities Discretionary Grant to pay for various improvements within the Griggs Farm community including sidewalk replacement, curb cuts, storm sewer improvements, additional lighting and traffic striping. The Township has been advised by

Community Grants and Planning that additional funds may be available and that an application has been submitted for an additional \$40,000. grant. In order to authorize the expenditure of the \$40,000., if it is received, a supplemental bond ordinance is required.

Mrs. Bergman offered a motion to approve the proposed ordinance on first reading. Mr. Miller seconded the motion, which was carried unanimously. The public hearing was set for September 10, 2007.

#### **COMMENTS FROM THE AUDIENCE**

Henry Frank, 126 Valley Road asked that Township Committee do something to discourage people from jogging and walking in the road when they should be on the sidewalk.

#### **REPORTS**

Mr. Miller commended the Fire Department for their response to the recent fire on Carriage Road.

Mr. Goerner thanked Mr. Liverman for attending the recent Traffic Safety Committee meeting.

Mr. Liverman thanked the Princeton Township Police Department on a very successful National Night Out on August 7, 2007.

Mrs. Bergman said that she had been in Maine the month of July and was struck by how similar the issues are here and there.

#### **WORK SESSION**

##### **Senior Overlay Zoning Review**

Lee Solow, Planning Director and Robert Hillier were present for this portion of the meeting. Mr. Schmierer said that he had received a request from Mr. Hillier to revisit the current senior overlay ordinance. He said that the Township currently has two locations where the senior overlay ordinance pertains, noting that Mr. Hillier is interested in the Bunn Drive site.

Mr. Hiller began his presentation saying that it was his project as a developer and his money. He said that both persons living in the house had to be 55 years old, and that they would “forget” the 20% rule where 20% of the units would be marketed to younger people. Mr. Hillier said that there was a huge market for this and that there was 50% more potential for buyers at 55 years of age. He said that the project would age in place.

Christopher Tarr, Esq. said that the age limit is a factor for Hovnanian not to proceed.

Mr. Goerner said that he thought that this was an interesting concept and a discussion worth having with the residents as only one side of the equation has been heard. He said that we need to have further discussion in a well noticed meeting.

Mr. Liverman asked what the cost would be for the proposed units? Mr. Hillier said between \$350,000. and \$400,000.

Mrs. Bergman said that she thought that this was the kind of project that Princeton needs and that she was comfortable seeing this go forward.

Mr. Solow said that he didn't think that an ordinance amendment would require a Master Plan change. He did agree that Township Committee should take the lead and make a policy change. He did caution Township Committee to think about what they really wanted to change about the ordinance and think about being creative as far as affordable housing.

Mayor Marchand said that it would be a nice thing to have a viable senior project in Princeton, noting that the community would age itself.

Mrs. Bergman said that the project does not preclude people ages 62 and older.

Mr. Goerner said that they hit on the crux of the issue, that they were presented with a compelling vision for the site and that it was worthy of further discussion at a future meeting.

Mayor Marchand said that it was the consensus of the Township Committee to give further consideration to Mr. Hillier's proposal, instructing Mr. Schmierer and Mr. Solow to review the current senior overlay ordinance and come back with a possible ordinance revision at a future meeting.

## **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

**Library Parking Negotiations**

Mr. Pascale and Mayor Marchand discussed with Township Committee the current Library Parking issue and negotiations between the Borough, Township and the Library.

There being no further business the meeting was adjourned at 10:50 p.m.

Linda S. McDermott  
Township Clerk