

PRINCETON TOWNSHIP COMMITTEE MEETING
February 6, 2006

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 2006 Schedule of Regular Meetings. On January 4, 2006 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, the Town Topics, and WHWH, filed with the Township Clerk and mailed to those persons who as of that time had requested and paid for same.

ROLL CALL

The Township Clerk then called the roll.

Present: Mayor Marchand, Mrs. Bergman and Messrs. Hearon, Liverman and Miller.

Absent: None.

Also Present: Ms. Shaddow, and Messrs. Kiser, Pascale, Schmierer and Lt. Henderson

PROCLAMATION: Crisis Ministry Month

Mayor Marchand read a proclamation declaring February 2006 as Crisis Ministry Month in Princeton Township and also recognizing the late Susie Waxwood. Mayor Marchand presented the proclamation to Sally Osma, Crisis Ministry and Donald Dickson of the Princeton Rotary.

CONSENT AGENDA

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

- a. Bills & Claims
- b. Maintenance/Performance Guarantees
 - McCaffrey's Building Expansion - Release of Performance Guaranty. No Maintenance Guaranty required. Performance Guaranty exceeded the time allotted for Maintenance Guaranty.

- c. Resolution and Agreement: Mercer/Middlesex Counties cooperative purchasing for services materials and supplies.
- d. Resolution and Agreement: American Society of Composers, Authors and Publishers Music Licensing Agreement, to facilitate and permit the playing of music and presenting of other musical events throughout the various services within the Princeton community and sponsored by the Township, annual licensing fee \$268.00
- e. Professional Services Agreement: SWM Consulting, Overbrook Drive Stormwater Management Plan and NJDEP Permits, Not to exceed \$9,500.
- f. Professional Services Agreement: Gregory Sandusky, Review of Tax Maps 2006, not to exceed \$17,000.
- g. Professional Services Agreement: Allen D. Porter, Esq., Counsel to the Regional Planning Board of Princeton, Not to exceed \$35,000.
- h. Appointment: Bernice Frank, Recreation Board
- i. Request for Fireworks and permit fee waiver, Spirit of Princeton, June 30, 2006, 4th of July Fireworks. Subject to approval from the Fire Marshall.

Mr. Liverman offered a motion to approve the consent agenda as presented. The motion was seconded by Mr. Hearon and carried unanimously.

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

ORDINANCE PUBLIC HEARINGS

Bond Ordinance: Basketball Court Lights

Mayor Marchand read by title an ordinance entitled BOND ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$14,000.00 THEREFOR FOR THE INSTALLATION OF REPLACEMENT LIGHTS ON THE BASKETBALL COURTS WITHIN COMMUNITY PARK SOUTH BY THE TOWNSHIP OF PRINCETON PROVIDING THAT SAID SUPPLEMENTAL APPROPRIATION SHALL BE BORNE AS A GENERAL EXPENSE OF THE 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.

Mayor Marchand opened the public hearing.

Henry Frank, 126 Valley Road, asked what happened to monies put aside from the bond ordinance in 2003? Mr. Schmierer said that there was money left over in a bond ordinance from 2003 and that would be used toward the project.

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

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

Bond Ordinance: Road Reconstruction 2006

Mayor Marchand read by title an ordinance entitled BOND ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT BY THE TOWNSHIP OF PRINCETON ROAD RECONSTRUCTION AND REPAIR PROJECTS FOR 2006 TO VARIOUS STREETS WITH IN THE TOWNSHIP APPORPRIATING THE SUM OF \$2,325,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES BY SAID TOWNSHIP.

Mr. Kiser said that the project deals with six miles of streets in Princeton Township. He said that there is some grant money already in place to put toward the project and that more grant money may be possible.

Mayor Marchand opened the public hearing.

Henry Frank, 126 Valley Road asked what the plans were for Witherspoon Street and Valley Road between Route 206 and Harrison Street. Mr. Kiser said that plans were being worked on for curbing, drainage improvements and road reconstruction.

Susan Lowe, 16 Overbrook Drive asked when the work on the upper part of Snowden Lane would be finished. Mr. Kiser said that it was part of work that had already been contracted and is expected to be finished this spring. He said the \$195,000. for Overbrook and Abernathy is for road improvements, drainage and landscaping improvements. It did not cover sidewalks he said.

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

Mr. Hearon offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Mr. Miller and approved unanimously.

Bond Ordinance: Tusculum

Mayor Marchand read by title an ordinance entitled BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A PORTION OF PROPERTY KNOWN AS TUSCULUM AND SHOWN ON THE PRINCETON TOWNSHIP TAX MAPS AS BLOCK 5201, LOT 4.01 INCLUDING A CONSERVATION EASEMENT ON A PORTION THEREOF BY THE TOWNSHIP OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE SUM OF \$3,000,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,850,000.00 OF BONDS OR NOTES OF THE TOWNSHIP IN ORDER TO FINANCE A PART OF THE COSTS OF THEREOF.

Mr. Schmierer said that through the Friends of Princeton Open Space, the owners of Tusculum, Thomas and Avril Moore have expressed a willingness to convey fee title to 35 acres of Tusculum immediately adjacent to Community Park North and the Mountain Lakes Nature Preserve to the Township of Princeton.

Mr. Schmierer said that in addition, they have agreed to a Conservation Easement on five acres of Tusculum in front of the mature hedgerow along Cherry Hill Road and to designate eighteen acres around their existing home and outbuilding, which will not further be subdivided. The cost of the acquisition is \$2,900,000.00

Mr. Schmierer said that as was done with the acquisition of Greenway Meadows, the Township has been asked to advance funds, which will be reimbursed to the Township as the various grants are received. He said that if the Township does agree to advance these funds, title would close on the acquisition on or before April 1, 2006.

Mayor Marchand opened the public hearing.

There being no public comment, the Mayor closed the public hearing.

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

ORDINANCE INTRODUCTIONS

Court Fees

Mayor Marchand read by title on first reading a proposed ordinance entitled AN ORDINANCE BY THE TOWNSHIP OF PRINCETON CONCERNING GENERAL PENALTY PROVISIONS AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY 1968”

Mr. Schmierer said that on January 5, 2006, the State law, which regulates the maximum fines, which can be charged for ordinance violations, was amended. It now permits maximum fines to be increased from the current level of \$1,250. to \$2,000.

Mr. Schmierer said that the new legislation also permits a municipality to seek a penalty in excess of \$1,250. from any property owner violating a housing code or a zoning code. Before this fine is levied, however, the Court must give the alleged violator a thirty-day period within which to cure or abate the violation and also afford a judicial hearing to the violator. If the thirty day time frame and hearing occur and the violator has not cured the Housing Code or Zoning violations, then a fine in excess of \$1,250. can be imposed.

Mr. Hearon 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 February 27, 2006.

Smoke Detector Certification Fees

Mayor Marchand read by title on first reading a proposed ordinance entitled AN ORDINANCE BY THE TOWNSHIP OF PRINCETON CONCERNING SMOKE

DETECTOR CERTIFICATION FEES AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY 1968”

Mr. Schmierer said that the Township Fire Official is required under the New Jersey Uniform Fire Safety Act and Chapter 10 of the Princeton Township Code to make sure that smoke detectors are properly installed in Township homes and buildings. There is a process whereby the certification can be submitted to the fire official from a licensed professional indicating that the property does comply with smoke detector requirements. The Fire Official’s office reviews these certifications and issues an approval. The current charge is \$15.00, which has not changed since 1995.

Mr. Schmierer said that under the provisions of the New Jersey Uniform Fire Code, a sliding scale of fees can be charged depending upon when the certification is submitted to the Township. It has therefore been recommended that the Township Code be amended to reflect the current permitted schedule of charges.

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 February 27, 2006.

REPORTS

Mrs. Bergman noted that a computer-recycling day would be held on May 13, 2006. She also said that brush and log collection information is currently being distributed.

Mr. Liverman said that a gang and drug forum would be held on March 9, 2006.

Ms. Shaddow said that the tax office is taking on-line payments for taxes.

COMMENTS FROM THE AUDIENCE

Henry Frank, 126 Valley Road, spoke about the discussion at the January 23, 2006 meeting regarding the current sign ordinance. He said that the current ordinance could be enforced if the appropriate people were told to enforce it.

Dr. Frank said that he still opposed items being put on the black top and pointed out some corrections that need to be made in the notices that are being distributed.

Joshua Leinsdorf, 35 Forester Drive said that there were bus stops in Princeton Township that allow for pickup but none for drop off. He said that people should be allowed to take the bus to the center of town. Mayor Marchand said that the Township would look into the problem.

WORK SESSION

Overbrook Drive

Mr. Kiser, offered a power point presentation outlining the various conditions on Overbrook Drive and a video that showed sidewalk, landscape and site distance issues. He said that the drainage system needs to be upgraded and that road reconstruction needed to take place. He said that half of Overbrook Drive would qualify for sidewalks, which have been accepted by the Regional Planning Board of Princeton.

Mr. Kiser said that two neighborhood meetings had been held with the residents in December, 2005 and January, 2006.

Ron Lessard, Chairman of the Sidewalk and Bikeway Committee provided an outline of how a child would walk to school from Overbrook Drive.

Harold Lowe, 16 Overbrook Drive said that a survey of parents was taken at Littlebrook School and it was concluded that only one child walked from the Overbrook Drive area.

Mr. Kiser said that potentially eight students could walk to Littlebrook School.

Sergeant Thomas R. Murray, III, said that the residents on Overbrook Drive did not want sidewalks on Overbrook Drive. He said that the neighbors expressed concern about excessive speeding and site distance problems. Sgt. Murray said that there have been five accidents at the intersection due to driver inattentiveness and one due to a deer. He said that speeding issues were

all due to residents within a three-block radius, noting that speeding and site distance problems are perceived issues.

Sgt. Murray said that the only problem in the neighborhood is a lack of completed sidewalks, and the time to put sidewalks in as now as a number of residents would benefit from it.

Mr. Kiser said that surveys were sent out to the residents and fourteen were returned also indicating that they did not want additional curbing installed.

Josef Silverstein, 93 Overbrook Drive said that he has lived there for 41 years. He said that it was not a transient street and the only one new house had been added.

Mr. Silverstein said that there are an overwhelming number of neighbors who did not want sidewalks. He asked that Township Committee be mindful of the tremendous costs of living in Princeton, noting that the residents have a stake in Overbrook Drive and that there is a uniqueness of Overbrook Drive that gives it a country like feel. He thanked Township Committee for the democratic process, saying that he believed in community, voting and communication.

Stephen Teiser, 101 Overbrook Drive, said that he had a letter signed by fifteen out of sixteen residents who were opposed to sidewalks. Mr. Teiser said that he spent time researching the Master Plan and noted that sidewalks are not on the Master Plan.

Kate Mechanic, 5 Overbrook Drive, said that she chose her home because it did not have sidewalks. She said that there are financial and maintenance issues that have to be considered with the proposed sidewalks. She said that the neighbors beg Township Committee not to destroy the character of their street.

Harold Lowe, 16 Overbrook Drive said that he was disappointed with the Sidewalk and Bikeway Committee. He said that the neighbors want road resurfacing not sidewalks and that the costs would impact all of them. He said that additional burdens would be added due to the maintenance of the sidewalks.

Joshua Leinsdorf, representing the Princeton Regional School Board said that state law has a hazardous routes busing requirement for any student who cannot walk safely to school. He said that the school board has a policy to encourage the Township to build sidewalks whenever possible. He noted that taxpayers pay for a bus forever whether it is used or not. Public land should be used for public purposes he said.

David Mechanic, 5 Overbrook Drive said that he understood people who were angry with government and government spending. He said that there is always a tradeoff. In this case it's a large burden with little positive outcome and that there is no rational compelling argument to support the project. Mr. Mechanic said that data and facts must support the decision being made.

Daniel Harris, 28 Dodds Lane said that he is a missing accident statistic. He said that the site lines on Overbrook Drive are awful and that there are problems with foliage and vegetation.

Andrew Lazarus, 23 Overbrook Drive said that he has two small children but that he was against the sidewalks.

Andy Brower, 41 Overbrook Drove said that he always had a comfortable life in Princeton unless the tax burden drives him out.

Mr. Mechanic said that if the Township puts sidewalks on Overbrook Drive, then there would be a need for a school crossing guard.

Mr. Teiser said that so much more could be done with the money than putting in sidewalks. He said that residents care about the common good of Princeton.

There being no further public comment, Mayor Marchand closed the public portion of the work session.

Mayor Marchand said that the Township has very little control in the overall tax situation in New Jersey adding that most taxes are not local.

Mrs. Bergman said that she appreciated the time and energy that the neighbors put into the issues. She said that Township Committee does listen, but said that they are obligated to do what's best for the community.

Mr. Liverman said that his mind was not made up either way on the sidewalk issue. He said that he was interested in looking at ways to make this work. He said that Snowden Lane has turned out to be a successful sidewalk venture.

Mr. Miller said that he has heard strong arguments for and against the sidewalks. He said that he was not prepared to make a decision yet.

Mrs. Bergman asked if sidewalks impacted drainage issues? Mr. Kiser said that they did not. She asked if there were liability issues if we did not install sidewalks? Mr. Schmierer said that there were not.

Mr. Hearon thanked the residents for being at the meeting and for their input. He said that he had to take the overall issue into consideration and that he was not prepared to move forward.

It was the consensus of Township Committee not to move forward with the sidewalks on Overbrook Drive at this time and to discuss the issue again at the Township Committee meeting of March 13, 2006.

CLOSED SESSION

Mrs. Bergman offered a motion to enter into closed session. The motion was seconded by Mayor Marchand and carried unanimously.

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

Police Consolidation

Captain Emann, Lt. Buchanan, Lt. Henderson and Patrolman Gering were present for this discussion.

Mr. Pascale discussed the issue of police consolidation with the governing body.

There being no further business, the meeting was adjourned at 11:30 p.m.

Linda S. McDermott
Township Clerk