



PRINCETON
MAYOR AND COUNCIL OF PRINCETON
MINUTES • OCTOBER 24, 2016

Regular Meeting

Main Council Room

6:00 PM

400 Witherspoon Street, Princeton, NJ 08540

I. STATEMENT CONCERNING NOTICE OF MEETING

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 a written notice. On October 21, 2016 at 9:20 a.m., said notice was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Town Topics and filed with the Municipal Clerk.

II. ROLL CALL

The Deputy Clerk then called the roll.

PRESENT: Councilwoman Howard, Councilwoman Crumiller, Councilwoman Butler, Council President Liverman, Councilman Simon and Mayor Lempert

ABSENT: Councilman Miller

Also present: Marc Dashield, Administrator, Trishka Cecil, Esq., Mason, Griffin and Pierson, Kevin Van Hise, Esq., Mason, Griffin and Pierson, Municipal Attorneys.

A motion to amend the closed session resolution to include the addition of Litigation, Affordable Housing Declaratory Judgement Update was moved by Ms. Butler, seconded by Mr. Liverman and carried unanimously by those present.

III. 6:00 P.M. CLOSED SESSION

1. 16-290 Closed Session Resolution

- a. Contract Negotiations - AFSCME
- b. Personnel - Assistant Administrator and Municipal Clerk
- c. Affordable Housing Declaratory Judgement Action.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jo Butler, Councilwoman
SECONDER:	Jenny Crumiller, Councilwoman
AYES:	Howard, Crumiller, Liverman, Butler, Simon
ABSENT:	Miller

Mr. Van Hise updated Council on the Affordable Housing Declaratory Judgement Action.

Mr. Dashield updated Council on the Assistant Administrator and Municipal Clerk positions.

Contract Negotiations - AFSCME was not discussed

IV. 7:00 P.M. OPEN SESSION

V. PLEDGE OF ALLEGIANCE

The audience participated in the pledge of allegiance.

VI. ANNOUNCEMENTS

Mayor Lempert announced that the Princeton Neighborhood Character & Zoning Initiative ad hoc committee will be holding three focus group meetings, two on November 3, 2016, one for Design and Real Estate Professionals and one for Princeton residents. The third focus group, Princeton Boards and Commissions will meet on November 10, 2016.

Mayor Lempert also announced that on November 9, 2016 a special meeting will be held with Princeton University President Chris Eisgruber at Monument Hall beginning at 7:00 p.m. She also said that the High Tops 1/2 Marathon will be held on November 6, 2016.

Police Chief Nicholas Sutter announced that the Police Department will be holding a Veteran's Day event on November 11, 2016 at the Police Department prior to the Spirit of Princeton event. He also said they will be hosting an Open House on November 19, 2016 from 8am-10am.

Mr. Liverman announced that the Princeton Fire Department will be holding their Inspection Ceremony on October 28, 2016.

VII. APPROVAL OF MINUTES

1. October 4, 2016

RESULT:	ADOPTED [4 TO 0]
MOVER:	Lance Liverman, Council President
SECONDER:	Patrick Simon, Councilman
AYES:	Crumiller, Liverman, Butler, Simon
ABSTAIN:	Howard. She had recused herself from this meeting.
ABSENT:	Miller

2. October 10, 2016

RESULT:	ADOPTED [4 TO 0]
MOVER:	Heather Howard, Councilwoman
SECONDER:	Lance Liverman, Council President
AYES:	Howard, Liverman, Butler, Simon
ABSTAIN:	Crumiller. She was absent from this meeting.
ABSENT:	Miller

3. October 11, 2016

RESULT:	ADOPTED [4 TO 0]
MOVER:	Jo Butler, Councilwoman
SECONDER:	Lance Liverman, Council President
AYES:	Howard, Liverman, Butler, Simon
ABSTAIN:	Crumiller. She was absent from this meeting.
ABSENT:	Miller

4. October 13, 2016

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Heather Howard, Councilwoman
SECONDER:	Lance Liverman, Council President
AYES:	Howard, Crumiller, Liverman, Butler, Simon
ABSENT:	Miller

VIII. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

No public comment.

IX. REPORTS

1. August 2016 Police Report

Chief Sutter reviewed with Council the August 2016 Police Report highlighting the Safe Neighborhoods Program. Council also discussed with Chief Sutter the use of body cameras. Ms. Butler asked what authority does Princeton University Public Safety Officers or police officers from other municipalities have in Princeton. Chief Sutter responded that police officers have a duty to react and respond to any incident. The officer must identify themselves as a police officer and provide identification. Mr. Simon asked the Chief about internal and external affair investigations and asked if the monthly report could contain a breakdown of internal and civil complaints. Chief Sutter reviewed the internal affairs process and noted that every complaint gets screened and numbered.

Ms. Butler reported that Michael Van Clef came before the Recreation Board to present his Invasive Species report and that he will come before Council with the presentation. She also added that the Mary Moss Park design was submitted to the Historic Preservation Commission.

Ms. Howard reported that the Department of Health submitted all documents necessary for accreditation and once deemed complete a site visit will be scheduled.

Mayor Lempert reported that the Neighborhood Character and Zoning Committee is recommending for introduction on November 14, 2016 ordinance amendments concerning driveways, porches, garages, front yard setbacks and clones and repetitions. Mayor Lempert also reported that the Department of Environmental Protection issued a drought warning for Mercer County and added that the closed session resolution adopted earlier tonight was amended to include, Litigation: Affordable Housing Declaratory Judgement Update.

Deanna Stockton, Municipal Engineer, reported to Council on various projects taking place, including Valley Road and Snowden Lane and that Requests for Proposals will be going out soon for the site remediation work at the old Public Works site.

X. WORK SESSION

1. 2017 Budget Schedule

2. 16-291 Resolution Setting the 2017 Municipal Operating and Capital Budget Calendar

Sandra Webb, Chief Financial Officer reviewed the Operating and Capital Budget Calendar with Council.

Administrator Dashield added that he will review the budget in December with the Finance Committee and Citizens Finance Advisory Committee and will have departments come before Council in January and February to review their budgets.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lance Liverman, Council President
SECONDER:	Patrick Simon, Councilman
AYES:	Howard, Crumiller, Liverman, Butler, Simon
ABSENT:	Miller

XI. ORDINANCE PUBLIC HEARINGS

1. 2016-38 AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON ESTABLISHING A CIVIL RIGHTS COMMISSION AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

Mayor Lempert read by title the proposed ordinance. Mr. Liverman said that the Human Services Civil Rights Subcommittee had met earlier today and

recommended a slight change to Section 2, f. of the ordinance by removing the words "in the community" from the following sentence: *The Municipality shall endeavor to maintain a list of qualified mediators in the community, but not affiliated with the municipality or Civil Rights Commission, who may provide such mediation services at no cost to participants.* Attorney Cecil said that this was not a substantive change and that the ordinance public hearing could continue.

Mayor Lempert said that the policies and procedures attachment to the proposed ordinance would not be adopted by Council tonight as some changes may need to be made. She said that the policies and procedures attachment would come back to Council as a resolution. Administrator Dashield walked Council through the flow chart process for complaints being filed. (Flow chart attached).

Mayor Lempert opened the public hearing.

Leticia Fraga, 13 Houghton Road, Chair, Human Services Commission and Civil Rights Subcommittee member, said she feels that the meeting today with Mayor Lempert and Mr. Liverman fine-tuned some of the language of the policy and procedures. She said that great progress has been made since starting the process. However, one thing that still needs to be looked at in the policy is what the process is if the Director of Human Services is not available to take the complaint and she said that the process needs to clear. She read a message from Jim Floyd who could not attend. Mr. Floyd stated from an economic standpoint, he feels there will be a financial benefit to the municipality. He said that confrontation and litigation can be avoided if the community is educated to the process. The policy should be posted, distributed and available to all and he feels that in order to have a well-rounded process clergy should be included. Ms. Fraga, speaking for herself again, said she wants this ordinance passed sooner rather than later, but wants to see it done right.

Thomas Parker, 12 Leigh Avenue, said he is concerned as well. He wants the ordinance passed, but wants Council to get it right. Can we pass this ordinance and table the procedure process, he asked. He said he does not feel comfortable with Council adopting the ordinance without clear procedures in place.

Linda Oppenheim, South Harrison Street, Co-Chair, Not In Our Town, the local racial justice organization, said that they support the re-establishment of a Civil Rights Commission. She stated that Not In Our Town has and would continue to partner with the Human Services Commission to see that no person is denied of equal services in the community. She said she has two concerns with the policy and feels that provisions need to be strengthened. She said that the intake process needs to support an alternate route of filing complaints and that of setting up outside mediation. The Civil Rights Commission itself will get to know the mediators and said that they should have the role in helping to decide the mediator.

Daniel Harris, Dodds Lane, thanked Council for all the work on the ordinance. He said he feels the new version of the process is much improved, but the language and

guidelines need to be absolutely clarified. He strongly advises Council that to wait until the language is satisfactory to all and to postpone adoption of the ordinance until the language of the guidelines is incorporated into the ordinance.

Elizabeth Bates, Nassau Street, Human Services Committee and Civil Rights Subcommittee, also thanked Mayor Lempert and Mr. Liverman for the meeting today and said that the procedures do effect the functioning of the ordinance. She said she feels the ordinance and policies need to be done together and that some changes need to be made to the flow chart from what was discussed today. She said that doing the whole thing as a package made a great deal of sense.

John Heilner, Library Place, read from a prepared statement, saying that he thought they had made a lot of progress today but that he was shocked to hear that the Affirmative Action Officer would handle complaints from the public. He said after two years of discussion it was assumed that the Affirmative Action Officer is only to handle complaints from municipal employees. (Statement attached)

Kip Cherry, Dempsey Avenue, said the process needs to be secure. Privacy is very important, if the complainant wants to report to the Civil Rights Commission they should be allowed to. There needs to be confidentiality. She said that there needs to be a process to go to the Civil Rights Commission and avoid the administration of the municipality. Mr. Simon confirmed with the Attorney that the process could not guarantee confidentiality.

After discussion by Council members concerning passing the ordinance tonight and continuing to work on the policy and procedures, Mr. Simon made a motion to continue the public hearing on the ordinance to November 14, 2016. Ms. Butler seconded the motion. Ms. Howard, Ms. Crumiller and Mr. Liverman voted no. Ms. Butler and Ms. Simon voted yes. Motion to carry the ordinance public hearing failed. Mr. Liverman made a motion to adopt the proposed ordinance. The motion was seconded by Ms. Howard. Mr. Parker, 12 Leigh Avenue, addressed Council again saying that he thought all the issues would have been worked out prior to the adoption of the ordinance, but if Council does adopt the ordinance, make sure that there is a clear understanding of the policies and procedures. Mayor Lempert closed the public hearing. After a roll call vote, Ms. Howard, Ms. Crumiller and Mr. Liverman voted yes and Ms. Butler and Mr. Simon voted in the negative. Motion carried. Mayor Lempert asked that the policies and procedures portion come back to Council as a resolution at the November 28, 2016 meeting.

RESULT: ADOPTED [3 TO 2]
MOVER: Lance Liverman, Council President
SECONDER: Heather Howard, Councilwoman
AYES: Howard, Crumiller, Liverman
NAYS: Butler, Simon
ABSENT: Miller

2. 2016-40 AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING TREES AND SHRUBS AND SPECIFICALLY THE INFESTATION OF THE EMERALD ASH BORER, AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968."

Mayor Lempert opened by the public hearing. Kip Cherry, Dempsey Avenue, asked Council to expand the ordinance beyond the emerald ash borer and to include other diseases. There being no further comment the Mayor closed the public hearing.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patrick Simon, Councilman
SECONDER: Lance Liverman, Council President
AYES: Howard, Crumiller, Liverman, Butler, Simon
ABSENT: Miller

3. 2016-41 AN ORDINANCE BY PRINCETON ACCEPTING THE DONATION OF VACANT REAL PROPERTY LOCATED AT 224 CHERRY VALLEY ROAD AND DESIGNATED AS BLOCK 601, LOT 2 ON THE PRINCETON TAX MAPS.

Public hearing carried to November 28, 2016.

RESULT: REFERRED [4 TO 0]
MOVER: Heather Howard, Councilwoman
SECONDER: Jenny Crumiller, Councilwoman
AYES: Howard, Crumiller, Liverman, Simon
ABSENT: Miller
RECUSED: Butler

XII. RESOLUTIONS

1. 16-292 Resolution Determining The Form And Other Details Of Not To Exceed \$16,000,000 General Improvement Refunding Bonds, Series 2016, Of Princeton, In The County Of Mercer, New Jersey Or Such Other Amount As Determined By The Chief Financial Officer To Accomplish The Refunding On The Terms Required By The Local Finance Board Pursuant To N.J.A.C. 5:30-2.5 And Consistent With The Refunding Provisions Of The Internal Revenue Code, And Providing For The Sale And The Delivery Of Such Bonds To RBC Capital Markets, LLC.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lance Liverman, Council President
SECONDER: Jo Butler, Councilwoman
AYES: Howard, Crumiller, Liverman, Butler, Simon
ABSENT: Miller

2. 16-293 Authorizing the Award of a Contract to Winner Ford through State of New Jersey Contract A83173, T2101 for a 2017 Ford Transit Connect XL Van (Model E6E) for use by the Department of Public Works in the Amount of \$22,421.50

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jo Butler, Councilwoman
SECONDER: Jenny Crumiller, Councilwoman
AYES: Howard, Crumiller, Liverman, Butler, Simon
ABSENT: Miller

3. 16-294 Resolution Authorizing the Extension of the Existing Contract with Central Jersey Waste and Recycling, Inc. For Solid and Bulky Waste Collection for One (1) Year in the Amount of \$408,186.00

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patrick Simon, Councilman
SECONDER: Jo Butler, Councilwoman
AYES: Howard, Crumiller, Liverman, Butler, Simon
ABSENT: Miller

4. 16-295 Resolution Authorizing the Extension of the Existing Contract with Central Jersey Waste and Recycling, Inc. For Organic Waste Collection for One (1) Year (2017) in the Amount of \$225,000.00

RESULT: ADOPTED [4 TO 0]
MOVER: Patrick Simon, Councilman
SECONDER: Jo Butler, Councilwoman
AYES: Howard, Liverman, Butler, Simon
ABSENT: Miller
RECUSED: Crumiller

5. 16-296 Professional Services Agreement: Miller, Porter & Muller - Representing the Princeton Planning Board in the matter: Arnold Rabson & Barbara Barnett vs. Princeton Planning Board, Wei Chi Chen & I-Chen Mei, Docket No. MER-L-1757-16 in the amount of \$30,000, at an hourly rate of \$215.00

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lance Liverman, Council President
SECONDER: Heather Howard, Councilwoman
AYES: Howard, Crumiller, Liverman, Butler, Simon
ABSENT: Miller

6. 16-297 Resolution to Reimburse the Princeton Public Schools \$170,061.00 for the 2015-2016 School Year Hazardous Bus Route Transportation Costs

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jo Butler, Councilwoman
SECONDER: Lance Liverman, Council President
AYES: Howard, Crumiller, Liverman, Butler, Simon
ABSENT: Miller

7. 16-298 Separation Agreement Mark Johnson, Animal Control Officer

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jenny Crumiller, Councilwoman
SECONDER: Heather Howard, Councilwoman
AYES: Howard, Crumiller, Liverman, Butler, Simon
ABSENT: Miller

8. 16-299 Purchase of Affordable Unit due to Hardship, 46 Billie Ellis Lane, Block 802, Lot 1.0136, \$151,110.00

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lance Liverman, Council President
SECONDER: Jenny Crumiller, Councilwoman
AYES: Howard, Crumiller, Liverman, Butler, Simon
ABSENT: Miller

9. 16-300 Resolution Approving Settlement Agreement And Release Knapp V. Borough Of Princeton, Et Al., Docket No. Mer-L-654-16 in the amount of \$3,874.34

Mayor Lempert and Ms. Howard recused themselves for this resolution. Mr. Liverman asked for a motion to approve the resolution. The motion was made by Ms. Crumiller, seconded by Ms. Butler and carried unanimously by those present.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Jenny Crumiller, Councilwoman
SECONDER:	Jo Butler, Councilwoman
AYES:	Crumiller, Liverman, Butler, Simon
ABSENT:	Miller
RECUSED:	Howard

XIII. CONSENT AGENDA

1. Bills and Claims
2. 16-301 Resolution Authorizing the Award of a Contract for Professional Services to T & M Associates for Additional Test Pit Investigation Oversight Related to the River Road Landfill for the Princeton Sewer Operating Committee (PSOC) for an Amount not to Exceed \$22,770.00.
3. 16-302 Resolution to Authorize Voluntary Participation in the Financial Incentive Pilot Program Encouraging Employees to Enroll in State Health Benefits Programs Tiered Medical Plans.
4. Release of performance guaranty in the amount of \$300,987.00 for Parking Lot Improvements 330-350 Alexander Road (Block 11501, Lot 16) Administrative Waiver to Princeton University contingent upon the receipt of a two year maintenance guaranty in the amount of \$45,148.05, which is 15% of the original performance guaranty amount.
5. Release of maintenance guaranty in the amount of \$1,490,000.00 to Palmer Properties LLC., for Hulfish North III (Block 20.04 Lot 1) Major Site Plan.
6. Release of cash performance guaranty in the amount of \$6,005.00 for Springdale Road Sidewalk (Block 11201, Lot 1) Administrative Waiver to Institute for Advanced Study contingent upon the receipt of a two-year maintenance guaranty in the amount of \$900.75, which is 15% of the original performance guaranty amount.
7. Release of performance bond in the amount of \$73,110.00 for the 2016 Striping Project to Traffic Lines, Inc.
8. Release of Performance Guaranty in the amount of \$1,395,247.50 for Andlinger Center, Olden Street and Prospect Avenue (Block 48.01 Lots 1 and 2) Preliminary/Final Major Site Plan with Conditional Use to Princeton University contingent upon the receipt of a two-year maintenance guaranty in the amount of \$209,287.13, which is 15% of the original performance guaranty.
9. Completion Time Extension to May 31, 2017 for Princeton University Lakeside Apartments formally known as Hibben-Magie Graduate Housing (Block 10802, Lots 1 and 2).
10. Release of performance bond in the amount of \$1,352,866.00 for Improvements to Cherry Valley Road and Hillside Avenue to Integrated Construction & Utilities of N.J. LLC.

11. Release of performance bond in the amount of \$1,129,069.00 for Improvements to Edgerstoune Road and Winant Road to Integrated Construction & Utilities, LLC.
12. Release of maintenance guaranty in the amount of \$5,728.77 for 208 Bunn Drive (Block 4301, Lot 6) Parking Expansion Administrative Waiver to Bunn Medical Property, LLC.
13. 16-303 Endorsement of a Fiscal Year 2017 Federal Transportation Alternatives Program Grant Application for \$2,430,606.00 to Fund the Nassau Streetscape Project on Nassau Street (New Jersey Route 27).
14. 16-304 Liquor License Transfer - Plenary Retail Distribution License #1114-44-003-008, Public Co. To Patpar, Inc.
15. 16-305 Resolution Awarding the Contract Known as "Princeton Fall 2016 Planting Project" to Silagy Contracting, LLC in the Amount of \$9,505.00.
16. 16-306 Wildlife Management Service 2015-2016, Payment to Game Butchers, LLC, \$10,295.00
17. 16-307 Resolution Authorizing the Rejection of Bids for the Contract Known as Placement and Removal of Solid Waste Dumpsters for 2017.
18. 16-308 Authorizing Sewer Billing Adjustment and Refund for Block 5904, Lot 23, 756 Kingston Road, \$406.35.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Jo Butler, Councilwoman
SECONDER:	Lance Liverman, Council President
AYES:	Crumiller, Liverman, Butler, Simon
ABSENT:	Miller

XIV. CLOSED SESSION (CONTINUATION OF ABOVE IF NECESSARY)

XV. ADJOURNMENT

A motion to adjourn at 10:25 p.m. was made by Mr. Simon, seconded by Mr. Liverman and carried unanimously by those present.

Kathleen Brzezynski
Deputy Clerk

Daniel A. Harris, 28 Dodds Lane
PC. Civil Rights Commission ordinance. 10.24.16

No Civil Rights Commission should be buried inside a Human Services Department whose mission statement does not even mention civil rights. This nation was founded upon principles of civil rights (however misconstrued by whites), not on matters of housing or employment. Like the Continental Congresses, the Civil Rights Commission must have independent status and widespread visibility. Otherwise, who will know that Princeton cares? Will our citizens—and visitors—know that Princeton leads or falls behind?

The Civil Rights Commission should be autonomous, independent of HSD, particularly in matter of “intake”—that is, the gathering of information from a complainant. Complainants should have their own choice of venue for making a complaint. Doing less is disrespectful. The supposition that all complainants will feel comfortable dealing with a municipal official as first point of contact is high-handed; such a structure might well scare off potential complainants, and the whole purpose of a Civil Rights Commission would thus be subverted. Consider the downtrodden in this nation feel they have no rights to speak up.

A complainant should have the immediate option of proceeding through the CRC or municipal channels, as she or he desires. Identical intake forms, developed by both the CRC and the HSD, are warranted. Absolute control of the filtering process by the HSD Executive Director seems a contradiction in terms. Civil rights concerns involving municipal staff or police should be filtered through the Affirmative Action Officer.

Princeton’s sensitivity to civil rights issues also needs to be user-friendly. Some in our community do not know how to use the Internet; an educational program as proposed by the ordinance can surely be more competently managed by a volunteer committee of nine than by a single Executive Director of the HSD. The danger of overload of responsibilities given to a sole individual should be manifest to all.

No complainant should have to go through hoops to get to mediation or arbitration, if that is the end-goal desired. The ordinance intent to “maintain a list of qualified mediators” (d.2.f) is right on target, although I see no reason why such a list should be limited to the Princeton community (as thus constrained by the ordinance before you). The “Guidelines” proposed by the Administrator seem to allow only an “informal resolution” by the CRC, but mediation and arbitration are both professional fields of expertise to which the CRC can and should have access.

Both Princeton and complainants need a CRC that is independent and focused. As a municipal department, the HSD is not independent, or can be perceived in such a manner and thus possibly distrusted. A CRC of nine persons, with a subcommittee of five, adds vastly more capability to civil rights concerns than is now in effect, particularly for the educational outreach component proposed. Furthermore, under present practice, only municipal employees and police may address the Affirmative Action Officer; complainants who do not fall into either of those categories should not be confined to Human Services as a means of redress.

Finally, I must add my concerns about procedure. Ordinance 2016-38 was introduced, and posted, on 9/26/16, when some members of PC suggested that Guidelines be developed. The resulting Guidelines were not posted on the Princeton website so that the public could compare the Administrator’s guidelines with the ordinance text. There has been a procedural irregularity and a loss of transparency. In addition, I understand that there was no meeting between CRC proponents and those wishing authority to remain within DHS alone. The Guidelines as currently written, placing the CRC in a secondary role, do not satisfy the needs of the community.

What is to be lost by establishing an independent Civil Rights Commission? The burden to deny the need for such an independent commission falls heavily on those who oppose it. The proposed CRC ordinance seems to me exceptionally thorough and well-crafted, and I hope that PC passes it unanimously.

First – I'd like to thank Mayor Lempert and Council Pres Liverman for all the time they have taken to understand the Human Services Subcommittee on Civil Rts point of view, and that of potential beneficiaries of the informal conflict resolution and mediation processes. Those being revived under a semi-independent Civil Rights Commission. One that worked so well from 1968 – the height of the first civil rts era – through 1998. I say "first" for obvious reasons.

I thought we had made a lot of progress in our meeting earlier today. But frankly now I am shocked. We just heard a whole new twist tonight. **Our subcommittee never considered that the Affirmative Action Officer would handle complaints from the public.** Our entire two year plus discussions have assumed that the Affirmative Action Officer is only to handle complaints from municipal employees. For example, the Montclair ordinance which I have right here – which Mr Dashield is very familiar with – reads, "Any individual claiming to be aggrieved.....may submit to the Civil Rights Commission a complaint.....the Commission **shall refer all Township employees to the Affirmative Action Officer.**" It certainly doesn't say that a public complaint will be referred to the Affirmative Action Officer.

A new flow chart is out just today, adding a "CRC Member" to the possible places a person can come with a civil rights complaint. This is very good. **Unfortunately, the "Guidelines, Policies and Procedures" document, an integral part of the ordinance which must be voted and approved by Council, does not yet reflect this,** eg in #1 – Filing a Complaint. The written procedures must be read and understood before Council votes to approve the ordinance. As Mr Simon suggested. The procedures were introduced as a part of the ordinance as they should be. **Council needs to get them right and not left solely to the Administration in the interim - a fallback process that was quietly approved in a resolution earlier this fall.**

I'd like to address Policies & Procedures, #4 Reporting. Just changed today. States that the Human Services Director shall provide a monthly written report to the CRC. This is good as a summary report, but we strongly believe that the CRC should be informed within 48 hours of any complaint where information was taken in the Human Services office. It can be the same brief info described for the 30 day report. Why? If something happens to the HS Dir, or she/he goes on vacation, or other priorities interfere, a group solely devoted to civil rights can follow up to ensure that the interests of the complainant are protected, especially with the clock ticking for them to exercise other options if necessary.

Pls refer to the Ord, 3rd page – 1.d.2.f. – 2nd sentence – we see no reason the pool of mediators should be limited to “in the community” which certainly implies in Princeton. Indeed, this will greatly narrow the pool of qualified mediators, and slow down the process. There are many excellent mediators, some with vast civil rights experience, in nearby towns. Dropping these three words is surely not a substantive change in the ord, and should be done tonight.

Please refer to the Procedures – p.2 – 3.C. – we see no reason why “No individual member of the Subcommittee shall have the ability to resolve complaints on their own.” These will all be very qualified dispute resolvers. Most with years of experience. In fact – over the past 3-4 years – many civil rights complaints have been informally resolved by a single member of the Civil Rights Subcommittee of the HS Commission. Why change what already works so well?

Just a word on liability insurance. Every member of the CRC, including those who resolve informal complaints are covered by the municipality’s insurance – just as every member of every other Board and Commission are already covered. The CRC will be no different. So “problems with insurance coverage” are not a reason to reject anything we have suggested.

Thank you for devoting your time to this. **We all can agree that we want Princeton to be in the forefront of civil rights, and have a process that is proactive and accessible to all. Especially during this time of national tension over civil rights matters.**

Guidelines, Policies and Procedures

Resolution of Informal Complaints of Discrimination through Princeton Civil Rights Commission Voluntary Informal Resolution Process

Adopted by the Princeton Council on _____, 2016 by Resolution

The Princeton Civil Rights Commission is authorized by Ordinance No. 2016-38 to appoint a Subcommittee of the Commission for purposes of receiving and attempting to resolve informal complaints of discrimination made by any person and allegedly taking place in Princeton. The following policies, guidelines and procedures shall govern this process.

1. Filing A Complaint

A person can file a complaint in person at the Human Services Office. A person may also use a complaint form which shall be available at the Municipal Clerk's Office and on the Municipal website.

2. Generally – Processing Services by Human Services Department.

The purpose of processing is to:

- Obtain information about the complainant's claim;
- Provide educational materials to the complainant advising of his or her rights;
- Conduct initial fact-finding and report back to the complainant; and
- Determine if parties are willing to engage in voluntary resolution, which includes:
 - Outside mediation services or
 - Voluntary Informal Resolution Process by Civil Rights Commission.

The Executive Director shall not make a determination on the manner in which the complainant shall proceed; rather, he or she shall only be responsible for advising the complainant of the available options and the complainant shall be responsible for determining how he or she seeks to proceed.

Following the above procedure shall be a prerequisite to filing a complaint with the Civil Rights Commission.

3. Civil Rights Commission Review.

- A. If the complainant seeks to have his or her claim addressed through the Civil Rights Commission's informal resolution process, then the Executive Director shall forward the person's complaint to the Civil Rights Commission for informal resolution by the Subcommittee of the Civil Rights Commission appointed for this purpose.
- B. The main goal of the Voluntary Informal Resolution Process is to provide an informal framework for access to a venue to amicably resolve disputes concerning claims of discrimination that have not yet escalated and are not being prosecuted through the State Division of Civil Rights or any state or federal court. The goal is to encourage resolution at a convenient place for those concerned and encourage early intervention and resolution.

- C. The Subcommittee shall promptly review the matter and endeavor to bring the parties together to eliminate the discrimination complained-of by conference, conciliation and negotiation. Meetings between the Subcommittee and parties shall be filed with the Municipal Clerk's office and given to the Council liaison to the Civic Rights Commission. No individual members of the Subcommittee shall have the ability to resolve complaints on their own.
- D. The parties shall be advised in writing and verbally as follows:
- a. In general, the documents provided to the Municipality, and generated by the Municipality, during the Program, including the written complaint and any supporting materials, are considered "government records" under the New Jersey Open Public Records Act and as such, may be disclosed publicly during or even after the informal resolution.
 - b. Participation by either party is completely voluntary and neither party can be required to provide any documentation or participate, nor can either party be punished or sanctioned in any way by the Municipality for failing to appear or provide any documentation or information. Any agreed-upon form of resolution is also voluntary.
 - c. Participation does not take the place of the more traditional, formal types of resolution of claims of discrimination, such as those available through administrative agencies or the courts. Therefore, at any time during or even following the conclusion of the process, the person claiming to be aggrieved by discrimination retains the right to, and has the right to elect to, formally pursue his or her claims of discrimination with any administrative agency including the State Division of Civil Rights as well as any state or federal court with jurisdiction to hear the matter. At any time said person may also request that his or her claim be referred to a qualified mediator independent of the Municipality, as set forth above in Section 1.
 - d. The Commission's process is undertaken through a Subcommittee of the Commission created and appointed specifically for purposes of this Voluntary Informal Resolution Process.

4. Reporting

The Human Services Director shall provide a monthly written report to the Civil Rights Commission. The report will provide a summary of complaints received during the month. To ensure as much privacy as possible, the report will only provide the general nature of the complaint and the resolution achieved.

4.5. Affirmative Action Officer

The Commission shall refer all complaints concerning Princeton officers or employees to the Affirmative Action Officer to initially counsel and investigate all complaints of discrimination involving such officers and/or employees in accordance with Princeton's policies and procedures. The Affirmative Action Officer shall endeavor to complete his or her initial investigation within thirty days of his or her receipt of any such complaint.

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5.6. Additional Policies and Procedures.

The Council may provide for additional policies and procedures for administering this process. Any such additional policies and procedures shall be in writing and not be inconsistent with any applicable laws, regulation or ordinances. From time to time, the Civil Rights Commission shall provide recommendations to the Mayor and Council regarding these additional policies and procedures. The Mayor and Council with advice from the Civil Rights Commission shall review the policies and procedure after one year of operations.

SUMMARY OF CIVIL RIGHT COMPLAINT PROCESS

