

**PRINCETON TOWNSHIP COMMITTEE MEETING**  
May 10, 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: Messrs Kiser, Pascale, Schmierer and Chief Emann.

**MINUTES**

The minutes of March 31, 2010 were tabled.

Mr. Liverman offered a motion to approve the minutes of April 12, 2010. The motion was seconded by Ms. Lempert and carried by four affirmative votes. Mr. Goerner was absent.

**CONSENT AGENDA**

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

- a. Bills & Claims
- b. Maintenance/Performance Guaranty
  - Princeton Historical Society, Updike Farm, Reduction of the performance guaranty contingent open receipt of a new Letter of Credit in the amount of \$177,224.54.
- c. Mountain Lakes Lease Agreement Addendum
- d. Bid Awards:
  - Public Works Road Materials:

Trap Rock Industries, Kingston, NJ

Item A - Bituminous Materials –FOB                      \$ 98,190.00

Item D - Clean Stone – FOB                                      \$ 4,975.00

Item F - Quarry Blend - FOB	<u>\$ 7,787.50</u>
Total Contract Amount	\$110,952.50

Arawak Paving, Hammonton, NJ

Item B - Bituminous Materials – Delivered	\$175,875.00
Item C - Bituminous Cold Materials – FOB	\$ 31,000.00
Item G - Tack Oil	<u>\$ 18,000.00</u>
Total Contract Amount	\$224,875.00

Micro Pave Systems, Landing, NJ

Item E – Rubberized Crack Sealer	\$1,350.00
----------------------------------	------------

- Cedar Lane Tree Planting, AAA Quality Maintenance of Princeton, based on its low bid amount of \$5,557.20
- Spring Planting 2010, Pat Scalan Landscaping, NY, based on its low bid of \$7,639.00

e. Professional Services Agreement: JT Surveying, to prepare the surveying work, easement map and metes and bounds description for a portion of the Stony Brook pathway for a sum not to exceed \$2,000.

f. Music Amplification Request: Natalie Watson, Tinton Falls, NJ, for a wedding at Mountain Lakes on May 15, 2010 3:00 p.m. to 11:00 p.m.

g. Resolution: 2010 Community Stewardship Incentive Program Grant

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

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

## **ORDINANCE PUBLIC HEARINGS**

### **AMENDING THE RESIDENTIAL SENIOR COMMUNITY-2 ("RSC-2") OVERLAY ZONE REGULATIONS**

Mayor Miller read by title an ordinance entitled AN ORDINANCE AMENDING THE RESIDENTIAL SENIOR COMMUNITY-2 ("RSC-2") OVERLAY ZONE REGULATIONS AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

Mr. Schmierer said that on January 28, 2008, the Township Committee adopted an amended RSC-2 Zoning Ordinance. The ordinance served as an overlay ordinance on a twenty one acre parcel of land located in the Township's Office Research Zoning District on Bunn Drive. This overlay ordinance

permits the development of the development of the property as a Residential Senior Community (RSC) in lieu of an office building as permitted under the OR regulations.

Mr. Schmierer said that on March 17, 2008, People for Princeton Ridge, Inc. filed a lawsuit challenging this ordinance. Since then, discussions have taken place which resulted in a recommendation to further amend the RSC-2 ordinance.

Mr. Schmierer said that the net effect of the revisions to the RSC-2 ordinance will be to preserve the majority of the tract (approx. 17 acres) permitting development/disturbance to take place on the remaining four acres only. The revised ordinance, therefore, contains additional environmental protection standards for development in the zone on property located on the Princeton Ridge.

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. Lempert and carried unanimously by those present.

#### **TO ESTABLISH A CAP BANK**

Mayor Miller read by title an ordinance entitled TOWNSHIP OF PRINCETON CALENDAR YEAR 2010 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 further public comment, the public hearing was closed.

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

#### **AUTHORIZING AS A GENERAL IMPROVEMENT THE CONSTRUCTION OF A ROOF OVER THE MOUNTAIN LAKES HOUSE TERRACES,**

Mayor Miller read by title an ordinance entitled BOND ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE CONSTRUCTION OF A ROOF OVER THE MOUNTAIN LAKES HOUSE TERRACES, APPROPRIATING THE SUM OF \$110,000.00 THEREFOR AND

AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR SAID PURPOSE BY THE  
TOWNSHIP OF PRINCETON.

Mr. Schmierer said that the Township owns the Mountain Lakes House and that pursuant to a December 4, 2006 Lease Agreement, the facility is managed and operated by the Mountain Lakes Holding Corporation, a subsidy of the Friends of Princeton Open Space. He said that during the spring a temporary canopy is usually erected over the terraces adjacent to the House to accommodate functions taking place at the house. When purchased in 2001, the canopy cost \$20,000. It also costs approximately \$2000. to erect and take down the canopy at the end of the season. At this time the temporary canopy is damaged and in need of repair.

Mr. Schmierer said that the Mountain Lakes Holding Corporation Board would like to install a permanent roof structure over the terraces with a cost estimated at approximately \$100,000. The Mountain Lakes Holding Corporation has requested that since the Township owns the House that the Township consider authorizing a bond for this improvement. The Mountain Lakes Holding Corporation has indicated a willingness to pay all the carrying costs (principal and interest) associated with the issuance of bonds and notes as well as the architectural fees, legal fees, building permit fees, etc for this project.

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 on second reading. The motion was seconded by Mr. Liverman and carried unanimously by those present.

**ORDINANCE INTRODUCTIONS**

**THE POLICE DEPARTMENT**

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 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.

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 May 24, 2010.

### **REGULATING SNOW AND ICE REMOVAL ON SIDEWALKS AND BICYCLE PATHS**

Mayor Miller read by title on first reading a proposed 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.

Mr. Liverman offered a motion to approve the proposed ordinance on first reading. Ms. Nemeth seconded the motion, which was carried unanimously by those present. The public hearing was set for May 24, 2010.

## COMMENTS FROM THE AUDIENCE

Henry Frank, 126 Valley Road requested that consideration be given to reducing the open space tax.

## 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

- **PBA Negotiation, Report**
- **Harris Settlement Agreement**
- **Medical Stipend**
- **Time of Decision Rule**
- **Consolidation Study, Citizen Appointments**

The above referenced issues were discussed by Township Committee.

There being no further business the meeting was adjourned at 10:00 p.m.

Linda S. McDermott  
Township Clerk