

MARCH 2012 DEMOCRATIC MAYORAL/COUNCIL CANDIDATE RESPONSES

Background:

Save the Dinky submitted questions about the Dinky to the Democratic candidates for Mayor and the new Princeton Council and asked for responses by 7 p.m. on March 23. Six of the Council candidates sent us timely responses. Three Council candidates and one Mayoral candidate responded before midnight on March 23. We are sharing all responses but are sorting them according to timeliness, in alphabetical order, with Council responses first.

Tamera Matteo (Council candidate) and Kevin Wilkes (Mayoral candidate) did not respond.

As you can see from the responses below beginning on page 2, many incumbents informed us that municipal attorneys had advised them not to respond because of pending litigation against the Borough and Township, notably a lawsuit challenging the E-5 zoning in which this organization is not involved. When we realized that our questions had created difficulties because of this litigation, we offered candidates the alternative of submitting an open-ended response. However, many incumbents continued to respond that they had been advised not to respond. We certainly respect these choices

We stress that Save the Dinky, Inc. is **not a party to the** lawsuit challenging the validity of the E-5 zoning. Our supporters have a spectrum of opinion on issues involving the arts campus expansion and the E-5 zoning. Save the Dinky as an organization has consistently taken the position that the goal of a vibrant arts campus does not require the destruction of a functioning historic rail complex and that the Dinky terminus can be preserved within the context of the zoning change.

However, as you know, **Save the Dinky is a party to a separate suit, filed before the E-5 zoning was adopted, to obtain a judicial ruling on the terms of the 1984 sale agreement between New Jersey Transit and Princeton University. This separate suit on the 1984 contract suit names New Jersey Transit and the University as defendants, not the municipalities. The 1984 contract was made not long after the Dinky station complex was placed on the state and federal historic registers. We do not believe that this agreement gave the University the right to move the Dinky terminus to the south and away from the historic platform and station complex. The University received permission in that agreement to move the terminus from the northern half to the southern half of the existing platform. It made this move at some point in 1988 or after.**

CANDIDATE RESPONSES TO SAVE THE DINKY QUESTIONS

A. RECEIVED BEFORE 7 PM 3/23

JO BUTLER

The Borough has been named as a defendant in litigation related to the E-5 zoning, so on advice of Council, I need to refrain from responding.

JENNY CRUMILLER

*I'm responding to the alternative question. My record of votes speaks for itself. Also, I appeared before the Historic Sites Council to oppose NJ Transit's request to vacate the public easement to facilitate moving the historic dinky station.
Thanks!*

LANCE LIVERMAN

(1) Thanks so much for asking my opinion on the Dinky. As a current Planning Board member, and with current and possible future litigation on the Dinky move, I am very uncomfortable addressing these questions.

I have stated publicly that I support the legal findings of our Township Attorney, as well as, Princeton University legal counsel. I hope that this one issue is not the deciding factor when electing future candidates to represent Princeton.

Thanks again for your understanding,

Note: Mr. Liverman responded as follows to our email offering an alternative question asking for general views: *Thanks so much again for asking!! I just cannot participate in these questions! I hope Township Committeeman Bernie Miller outlined why!! (See below for Mr. Miller's response.)*

ROGER MARTINDELL

1. Do you believe that the University's plan to relocate the Dinky terminus is a sound plan that reflects the best interests of the community?

Answer yes or no. Explain. (50 words or less).

No. The relocation of the Dinky terminus is not a sound plan that reflects the best interests of the community. I've said that several times in Council meetings. It's bad ecology, bad transportation policy, bad community relations, and bad public relations for the University.

2. If you do not believe the plan is a sound plan, what steps you will take ...as a Council member... to encourage the University to rethink its proposal? Explain. (50 words or less).

(a) use the new Transit Task force to press the issue publicly; (b) declare the station a Borough historic site; (c) declare the Dinky line a public right of way on the Borough's official map and community Master Plan; (d) other things beyond the word limit.

3. The Dinky station complex was placed on the state and national registers of historic places in 1984. However, it is not protected as a historic

site under our local ordinances. Do you support local historic zoning for the station complex? Yes or no. Explain. (50 words or less)

Yes. Since it was brought to our attention by Alain Kornhauser a few weeks ago, we have worked with the Borough's legal counsel to develop the procedures and language designed to designate the Dinky station complex a Borough historic site.

4. When New Jersey Transit sold the station complex to the University in 1984, it retained a public transportation easement to stay in effect for five years after rail service has terminated. New Jersey Transit has asked the NJ Historic Sites Council to approve a premature termination of this easement to facilitate the University's arts campus project.

a. Do you believe that the Historic Sites Council should grant this request? (Yes) (No) Explain. (50 words or less).

No.

b. (For current officeholders) If you oppose the request, explain what steps you will take as a Council or Committee member to encourage the Commission to deny the request and/or to persuade NJ Transit to change its position. (50 words or less)

(a) Designate the Dinky complex as a Borough historic site; (b) declare the Dinky line a public right of way on the Borough's official map; (c) declare the Dinky line a public right of way on the community Master Plan; (d) other things beyond the word limit.

BERNIE MILLER

Thank you for your e-mail of 20 March with questions from Save The Dinky, Inc. As you are no doubt aware, Princeton Township is a defendant in a litigation that centers on many of the questions that your organization has posed for candidates for the new Princeton Council. As a Princeton Township Committeeman and a member of the Princeton Township Regional Planning Board, I have been advised by Princeton Township legal counsel that it would be inappropriate for me to take a position on matters that I may be required to vote on a later date. Further, our legal counsel has recommended that I not respond as Princeton Township has been named as a defendant in a litigation that centers on many of the questions that your organization has posed for the candidates, and that it is best to let the courts provide the answers to your questions..

SCOTT SILLARS

I respectfully reply that I will not respond to the questionnaire because you have taken positions on the 'Dinky' issue and have a desired outcome on the 'Dinky' issue.

This is not a stance on the validity of 'Save the Dinky's' issues; I think Princeton University's plans for the Dinky are poorly conceived. But I refuse to let Step One of Consolidation turn into a referendum on the Dinky. There are processes for debate and approval. This election is not part of that process.

B. RECEIVED AFTER 7 PM BUT BEFORE MIDNIGHT 3/23

Council Candidates:

HEATHER HOWARD

Thank you for your interest in the Dinky, and related transportation and historic preservation issues in Princeton. The Dinky connection to the Northeast Corridor is an extremely valuable asset to the economic well-being of our town, and it serves our community well where it currently sits. Professional planners agree that the station should remain as close to the center of our Central Business District as possible, and I regret that the University plans to move it.

Unfortunately, like my colleagues, I cannot answer the questions directly, but I appreciate your advocacy on this important issue and look forward to working with you to preserve access to vital transportation services.

YINA MOORE

I have been advised by Borough attorneys that due to litigation I should not respond.

PATRICK SIMON

I recognize how divisive this issue is for the community. I do not know how I would have voted had I been on the Council when the zoning came up for a vote. I am not an incumbent, I have not been living this issue with either side, and I don't have all of the facts. This issue simply did not come before the Consolidation Commission, on which I serve, and I have chosen to focus my efforts as a candidate on other issues: successful implementation of consolidation, and improving emergency services. I would hope these are issues of some importance to the members of your organization as well, and I invite your input and discussion.

I have gone on record advocating that both the new Council and the University take the opportunity presented by this election to reset the institutional relationship to a more positive and productive tone. I remain convinced that doing so is in the best interest of all of Princeton.

I would be happy to meet with you to discuss these issues further. Thank you for your consideration.

Mayoral Candidates:

LIZ LEMPERT

It's important to recognize the historic value of the Dinky, and that is why it is listed on the state and national historic registers. It's also important to recognize the current value of the Dinky to our community as a quick and easy link from Princeton to the Northeast Corridor. Unfortunately, because the Township is a defendant in the Dinky lawsuit I've been advised by counsel not to answer your question directly.

Appendix A: QUESTIONS SUBMITTED TO CANDIDATES

A: QUESTIONS EMAILED TO CANDIDATES March 19

Dear Mayoral Candidates and Candidates for Borough Council:

Save the Dinky, Inc. is now incorporated as a New Jersey non-profit with the primary goal of preserving Princeton's historic rail link to Princeton Junction. We would appreciate hearing your responses to the following questions so that we may share them with our members. The deadline for responses is 7:00 p.m. on Friday, March 23. Kindly observe the word limits.

Thank you,
Anita Garoniak

QUESTIONS FOR MAYORAL/COUNCIL CANDIDATES

- 1.** Do you believe that the University's plan to relocate the Dinky terminus is a sound plan that reflects the best interests of the community? Answer yes or no. Explain. (50 words or less).
- 2.** If you do **not** believe the plan is a sound plan, what steps you will take (as Mayor) (as a Council member) to encourage the University to rethink its proposal? Explain. (50 words or less).
- 3.** The Dinky station complex was placed on the state and national registers of historic places in 1984. However, it is not protected as a historic site under our local ordinances. Do you support local historic zoning for the station complex? Yes or no. Explain. (50 words or less)
- 4.** When New Jersey Transit sold the station complex to the University in 1984, it retained a public transportation easement to stay in effect for five years after rail service has terminated. New Jersey Transit has asked the NJ Historic Sites Council to approve a premature termination of this easement to facilitate the University's arts campus project.
 - a.** Do you believe that the Historic Sites Council should grant this request? (Yes) (No) Explain. (50 words or less).
 - b.** (For current officeholders) If you oppose the request, explain what steps you will take as a Council or Committee member to encourage the Commission to deny the request and/or to persuade NJ Transit to change its position. (50 words or less)
 - c.** (For non-incumbents) If you oppose the request, explain what steps you are prepared to take as a citizen/candidate for office to encourage the Commission to deny the request and/or to persuade NJ Transit to change its position. (50 words or less).

B. FOLLOW UP E-MAIL MARCH 21, 2012

Today, some of you who are incumbents have raised concerns about responding to our questions in light of pending and possible litigation. Save the Dinky is not involved in litigation involving the Borough or Township. However, in response to the concerns, we are adding an alternative request for your views to which you may respond in lieu of answers to the specific questions. If you have already responded with answers to the specific questions, you are welcome to substitute an answer to the alternative question or to use your original responses.

Save the Dinky members are interested in your views, and we hope that you will share them.

ALTERNATIVE REQUEST FOR VIEWS ON THE DINKY ISSUE:

The Dinky station complex was placed on the state and national historic registers in 1984 before the University purchased the complex. A few years after the purchase, the University relocated the terminus from the northern to the southern end of the existing platform. The University's recent proposal to make another move of the terminus away from Nassau Street has been and continues to be controversial. One reason for the controversy is the belief that the University can build its arts campus without affecting the form and function of the historic station.

Please share your views on any aspect of the controversy you wish to discuss. (200 words or less).