

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
August 7, 2007  
Regular Meeting  
Closed Session 6:30 P.M.  
Open Session 7:30 P.M.**

Present: Council President Margaret Karcher, Councilman David Goldfarb, Councilman Andrew Koontz (*arrived 7:30 P.M.*), Councilman Roger Martindell, Councilwoman Barbara Trelstad, and Mayor Mildred Trotman

Absent: Councilwoman Winifred Benchley

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer Carl E. Peters, Land Use Development Official Derek Bridger, Assistant Borough Attorney Karen L. Cayci, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 6:30 P.M. and read the open public meetings statement as follows:

*“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of August 7, 2007, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file of the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”*

Mayor Trotman read **Agenda Item C, Resolution 2007-R189** as follows:

**RESOLUTION 2007-R189  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON AUGUST 7, 2007**

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public forum from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances may presently exist; and

**WHEREAS**, the Governing Body wishes to discuss the following issues:

1. Negotiations — NHKT

**WHEREAS**, minutes will be kept and once the matter involving confidentiality of the above no longer requires that confidentiality, then minutes can be made public; and

**NOW THEREFORE BE IT RESOLVED** that the public be excluded from this meeting.

Councilwoman Karcher moved to approve, which was seconded by Councilwoman Trelstad and approved by Council members Karcher, Goldfarb, Martindell, and Trelstad. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved four to zero.

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Borough Council recessed into closed session.

*Councilman Koontz arrived at 7:30 P.M.*

At 7:34 P.M. the Council reconvened into open session.

Mayor Trotman asked all present to rise for the salute to the flag.

Mayor Trotman read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of July 24, 2007.

Councilman Koontz moved to approve the minutes of the open session July 24, 2007, seconded by Councilman Martindell and approved unanimously by Council present.

Mayor Trotman read **Agenda Item F, Summary — Closed Session Discussion — Robert W. Bruschi, Borough Administrator**

Robert Bruschi, Borough Administrator, reported that Council moved forward toward a settlement with NHKT. Mayor Trotman announced that a public presentation regarding NHKT negotiations would be on the agenda in September 2007.

Mayor Trotman read **Agenda Item G, Public Presentation**, and asked if anyone present wished to address the Council with an issue not on the agenda.

There were no public presentations.

Mayor Trotman read **Agenda Item H, Correspondence (1) — Request for Easement – 39, 41, 43 Witherspoon – William A. Wolfe, AIA**

Council discussed Architect William Wolfe's request, on behalf of Huei Tsai, for an easement to permit the addition of a one-story addition to replace the narrow alley behind Mr. Tsai's building. Councilman Goldfarb moved to approve the easement with the condition that property owner, Mr. Tsai, remunerate cost to the Borough and maintain insurance coverage. Councilwoman Trelstad seconded the motion and Council approved unanimously.

Mayor Trotman read **Agenda Item H, Correspondence (2) — Request for Council on Affordable Housing (COAH) Waiver/17 Charlton Street – Pete Nogare**

Mr. Pete Nogare requested Council waive a \$57,000 fee to Borough to expand a studio unit at 17 Charlton Street to a modest residential unit for his personal use. Mr. Nogare stated that granting this waiver would promote the production of affordable housing. Councilman Goldfarb stressed flexibility to advance the affordable housing plan.

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Karen Cayci, Assistant Borough Attorney, suggested Council consider creating a set of standards for such waiver requests.

Councilman Koontz agreed with Councilman Goldfarb regarding flexibility. Council discussed options to help Princeton residents remain here. Alternatives such as reduced fees or some type of deed restriction were discussed.

Council asked Mr. Nogare to return with comments from AHB and Mr. Bridger for further consideration.

Mayor Trotman read **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2007-16, AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974, FOR CREATING THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF PRINCETON'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.**

Councilman Koontz read by title and moved to adopt Ordinance 2007-16, seconded by Councilwoman Trelstad. Council discussed the anticipated affordable housing options report from Mr. Vito Gallo for PCH..

Hearing no further comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman requested the Borough Clerk call the roll. Council members Karcher, Goldfarb, Koontz, and Trelstad voted in the affirmative. Councilman Martindell voted nay. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read **Agenda Item I, Old Business (2) — Public Hearing and Adoption: Ordinance 2007-17, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 26 OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, DEALING WITH DISCIPLINARY PROCEDURES WITHIN THE POLICE DEPARTMENT**

Councilwoman Karcher read by title and moved to adopt Ordinance 2007-17, seconded by Councilman Koontz.

Hearing no comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

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Mayor Trotman read **Agenda Item J, New Business (1) — Resolution 2007-R190** as follows:

**RESOLUTION 2007-R190  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

**WHEREAS**, the Mayor and Council of the Borough of Princeton has a need to acquire architectural redesign as a non-fair and open contract pursuant to the provisions of <N.J.S.A. 19:44A-20.4 or 20.5>; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

**WHEREAS**, the Mayor and Council wish to engage **Steven S. Cohen Architect, PC**, 63 Moran Avenue, Princeton New Jersey 08542 (the “Provider”) for the performance by the Provider of professional services in connection with certain activities being conducted by the Borough as more fully described below; and

**WHEREAS**, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and

**WHEREAS**, provider has completed and submitted a Business Entity Disclosure Certification which certifies that Steven S. Cohen has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit Steven S. Cohen from making any reportable contributions through the term of the contract

**WHEREAS**, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton as follows:

The Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with Steven S. Cohen Architect, PC, (the “Provider”).

1. The contract so authorized shall require the Provider to provide services and other related duties, as follows:

Preparation of architectural redesign and bid documentation, mechanical, electrical, & plumbing and redesign bid documentation, preparation of specifications including bid documents and bid and construction services in connection with the renovation of the Princeton Borough Public Works Garage.

Under this contract, the Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

The Borough shall pay the Provider the following compensation:

Architectural design and bid documentation	\$ 17,000.00
Mechanical, electrical & plumbing design and bid documentation	14,500.00
Specifications including bid documents	4,000.00
Bid phase and construction services	<u>6,000.00</u>
<b>TOTAL</b>	<b>\$ 41,500.00</b>

A total amount not to exceed FORTY ONE THOUSAND FIVE HUNDRED DOLLARS (\$41,500.00).

2. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

3. This contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.

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4. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

5. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

Councilman Koontz moved to approve Resolution 2007-R190, Councilwoman Trelstad seconded.

Councilman Goldfarb expressed concern in approving funds for renovations to a building which may be replaced by a facility on River Road. Mr. Peters and Mr. Bruschi explained that the current building is in disrepair and certain projects such as a new roof and HVAC system are absolutely necessary for the well-being of the building and Borough employees.

Hearing no further discussion, Mayor Trotman called for a vote. Borough Council unanimously approved Resolution 2007-R190.

Mayor Trotman read **Agenda Item J, New Business (2) — Resolution 2007-R191** as follows:

**RESOLUTION 2007-R191  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING A FEASIBILITY STUDY REGARDING  
EMERGENCY PREPAREDNESS**

**WHEREAS**, the Mayor and Council wish to engage **Emergency Response Design Group**, PO Box 2330, Princeton New Jersey 08542 (the “Provider”) for the performance by the Provider of professional services in connection with certain activities being conducted by the Borough as more fully described below; and

**WHEREAS**, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and

**WHEREAS**, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton as follows:

The Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with Emergency Response Design Group, (the “Provider”).

1. The contract so authorized shall require the Provider to provide services and other related duties, as follows:

The Provider will be providing Consulting Services as outlined in Phase I of the attached proposal noted as Exhibit A. The Borough reserves the right to amend the agreement to include on site construction administration should the borough choose to do so at the prescribed cost in the agreement.

Under this contract, the Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Agreement will be effective through December 31, 2007, unless sooner terminated as provided hereafter.

The Borough shall pay the Provider the following compensation:

a. An amount not to exceed Fifteen Thousand Dollars (\$15,000.00) in accordance with the amount quoted for said services in Exhibit A referenced above. The work authorized by this Agreement shall

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be funded from the Emergency Management operating budget and shall be paid for on a 50-50 basis with Princeton Township. (**\$7,500.00 by the Borough** and \$7,500 by the Township) A brief description of the work completed shall be submitted with each invoice.

A total amount not to exceed SEVEN THOUSAND FIVE HUNDRED DOLLARS.

2. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

3. This contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.

4. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

5. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

Councilwoman Karcher moved to approve, and Councilwoman Trelstad seconded.

Councilman Koontz recommended referring provider information to the Regional Health Commission for review. As a member of the commission, Councilman Koontz expressed concern that the Board of Health had not been apprised of the consultant's proposal regarding emergency preparedness.

Councilman Goldfarb moved table Resolution 2007-R191 until reviewed by the Regional Health Commission. Councilman Koontz seconded the motion. Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item J, New Business (3) — Resolution 2007-R192** as follows:

**RESOLUTION 2007-R192  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING A PLACE TO PLACE TRANSFER  
(EXPANSION) OF LIQUOR LICENSE**

**WHEREAS**, an application has been filed by T3M LLC, trading as Princeton Corkscrew Wine Shop for a place-to-place transfer (Expansion of Premises) of Plenary Retail Distribution License 1109-44-002-007, for purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized;

**WHEREAS**, the Chief of Police and Construction Official have inspected the premises and the Borough Clerk has reviewed the submitted application form and certifies it is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of The Borough of Princeton does hereby approve, effective August 7, 2007, the expansion of the aforesaid Plenary Retail Distribution licensed premises located at 49 Hulfish Street, Princeton, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises on file with the Borough Clerk.

Councilman Goldfarb moved to approve Resolution 2007-R192, Councilwoman Trelstad seconded and Borough Council approved unanimously five to zero.

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Mayor Trotman read **Agenda Item J, New Business (4) — Resolution 2007-R193** as follows:

**RESOLUTION 2007-R193  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING CHANGE TO THE POLICE DEPARTMENT  
RULES AND REGULATIONS**

**WHEREAS**, in accordance with Ordinance 2007-17, the Mayor and Council of the Borough of Princeton have amended Chapter 26 of the Code of the Borough of Princeton dealing with Borough Police Department Rules and Regulations; and

**WHEREAS**, in order to comply with the change in Chapter 26-9 the Princeton Police Department Rules and Regulations must be amended in part;

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council hereby accept the attached amendments to the Princeton Police Department Rules and Regulations.

Councilman Koontz questioned the necessity of Council approving Police Rules and Regulations vs. the Public Safety Committee's authority to do so. Mr. Koontz requested that Borough Attorney Michael J. Herbert review this matter and provide guidance as to Public Safety Committee vs. Borough Council vs. Police Chief. Mr. Koontz moved to approve Resolution 2007-R193, Councilwoman Karcher seconded and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (5) — Resolution 2007-R194** as follows:

**RESOLUTION 2007-R194  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
CHAPTER 159- SPECIAL BUDGET ITEM**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**SECTION 1.**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$4,000.00 is now available as a miscellaneous revenue anticipated from **“State of New Jersey – Division of Highway Safety, Click It/Ticket 07”**.

**SECTION 2.**

**BE IT FURTHER RESOLVED**, that a like sum \$4,000.00 be and the same is hereby appropriated under the caption of **““State of New Jersey – Division of Highway Safety, Click It/Ticket 07”**”.

Councilman Goldfarb moved to approve Resolution 2007-R194, Councilwoman Trelstad seconded and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (6) — Resolution 2007-R195** as follows:

**RESOLUTION 2007-R195  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
CHAPTER 159- SPECIAL BUDGET ITEM**

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**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**SECTION 1.**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$950.00 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Infrastructure Preparedness & ER.**”

**SECTION 2.**

**BE IT FURTHER RESOLVED**, that a like sum \$950.00 be and the same is hereby appropriated under the caption of “**State of New Jersey – Infrastructure Preparedness & ER**”.

Councilman Goldfarb moved to approve Resolution 2007-R195, Councilwoman Trelstad seconded and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, Bill List for August 7, 2007 — Resolution 2007-R196** as follows:

**RESOLUTION 2007-R196  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE AUGUST 7 2007 BILL LIST**

**WHEREAS**, Decimus W. Marsh, Chief Financial Officer has forwarded the bills received for payment by the Borough of Princeton for review and approval by the Mayor and Council; and

**WHEREAS**, the Borough Clerk has certified that the vouchers listed on the attached register are a follows:

CURRENT ACCOUNT (7-01)	\$140,608.84
RESERVE ACCOUNT (6-01)	150.00
PARKING UTILITY OPERATING FUND (7-05)	5,504.98
PARKING UTILITY OPERATING FUND (6-05)	
AFFORDABLE HOUSING OPERATING ACCT (7-24)	37.60
AFFORDABLE HOUSING OPERATING ACCT (6-24)	
CAPITAL ACCOUNT (C-04)	53,560.91
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	
TRUST FUND (T-13)	104,129.73
GENERAL INSURANCE (6-14)	
FLEXIBLE SPENDING FUND (5-22)	
MANUAL	
ASSESSMENT TRUST FUND (5-11)	
GRANT (G-02)	

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the bill list of August 7, 2007 as presented.

Councilwoman Trelstad moved to approve Resolution 2007-R196 seconded by Councilman Martindell and approved unanimously by Borough Council.

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Councilwoman Karcher moved to return to closed session and Councilwoman Trelstad seconded. Council members Karcher, Goldfarb, Koontz, Martindell, and Trelstad approved. Council returned to closed session at 8:42 P.M.

Council emerged from closed session and Councilman Koontz moved to adjourn, being no further business Mayor Trotman adjourned the open session meeting at 9:05 P.M.

Respectfully submitted,

Andrea Lea Quinty  
Borough Clerk