

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
September 4, 2007
Regular Meeting
Closed Session 6:30 P.M.
Open Session 8:00 P.M.**

Present: Council President Margaret Karcher, Councilwoman Winifred Benchley, Councilman David Goldfarb, Councilman Andrew Koontz, Councilman Roger Martindell, Councilwoman Barbara Trelstad, and Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Michael J. Herbert, 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 September 4, 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-R200** as follows:

**RESOLUTION 2007-R200
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON SEPTEMBER 4, 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 — Princeton Township
2. Negotiations — NHKT
3. Personnel
4. Minutes
5. Leigh Avenue property

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.

September 4, 2007

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

Borough Council recessed into closed session.

At 8:05 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 August 14, 2007.

Councilman Koontz moved to approve the minutes of the open session August 14, 2007, Councilwoman Benchley seconded and Council approved unanimously.

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

Mr. Bruschi reported that the governing body reviewed Sewer Operating Committee Lands Study. Borough Council is awaiting response from NHKT (principal out of the country) there was no discussion. The performance evaluation of Borough Administrator and reviewed and will continue at a future meeting. Past closed session minutes were briefly reviewed with corrections to be made September 11, 2007. There was discussion of deed transfer for affordable housing property on Leigh Avenue.

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.

Linda Sipprelle, Nassau Street, requested answers regarding various issues pertaining to the downtown project. Mr. Bruschi replied that no new information was available; the punch list is in hand and being reviewed by staff.

Councilman Martindell inquired about the status of \$2 million Capital Billing due from the Township. Mr. Bruschi said that Township Finance Officer assured him that Township is working to resolve the issue and respond.

Councilman Martindell queried direction of North Ridge Pump issues. Councilman Goldfarb stated that the facts nor the value (approximately \$1.7 million) is disputed. Michael Herbert, Borough Attorney, stated that he requested in writing a formal position from the Township; he will follow up with Ed Schmeier, Township Attorney. Council asked Mr. Herbert to be prepared to support the Borough's position.

Mayor Trotman listed some items for fall Council agendas, including "McMansions," sidewalk/crosswalk study, Merwick zoning, and public safety crime reports from the University.

September 4, 2007

Other topics scheduled for discussion are historic designation of the western section and storm water ordinance.

Seeing no one further from the public, Mayor Trotman closed the public portion.

Mayor Trotman read **Agenda Item H, New Business (1) — Resolution 2007-R201** as follows:

**RESOLUTION 2007-R201
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT
TO PROVIDE CONSTRUCTION OBSERVATION SERVICES
FOR CAPITAL ROAD PROJECTS**

WHEREAS, the Borough wishes to enter into an agreement with **Van Cleef Engineering Associates** (the “Provider”) for the performance by the Provider of professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

WHEREAS, the Mayor and Council of the Borough of Princeton has a need to acquire construction observation services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available under Current Account Nos.C-04-04-020-301; 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 Van Cleef Engineering Associates.

1. The contract so authorized shall require Van Cleef Engineering Associates (“Provider”) to provide services and other related duties, as follows:

Provider will provide construction observation services on an as-needed basis in connection with the Borough’s capital road improvements.

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:

An amount not to exceed Ninety Eight Thousand Dollars (\$98,000.00) with an additional amount not to exceed Two Thousand Dollars (\$2,000.00) for reimbursable expenses.

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.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution.

September 4, 2007

Mr. Bruschi explained that the agreement permits Provider to assist with engineering projects “as needed” to the \$98,000 limit stated.

Kevin Wilkes, Maclean Street, pointed out that \$98,000 is equivalent to the annual salary for a junior Professional Engineer, a hiring option the Borough might consider if, in fact, observation of various construction and engineering programs is the essence of the work. He objected that the Provider did not commit in the contract that their inspectors be Professional Engineers and \$98,000 seems excessive.

Councilman Koontz moved to approve Resolution 2007-R201, Councilwoman Benchley seconded and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (1 - 11) — Resolutions 2007-R202, 2007-R203, 2007-R204, 2007-R205, 2007-R206, 2007-R207, 2007-R208, 2007-R209, 2007-R210, and 2007-R211**, as follows:

**RESOLUTION 2007-R202
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPOINTING RICHARD T. LYNCH AS HEARING OFFICER**

WHEREAS, the Borough of Princeton requires professional services of a Hearing Officer to conduct a hearing concerning disciplinary charges and issue a report pursuant to Ordinance 2007-17; and

WHEREAS, Richard T. Lynch, 411 9th Avenue, Belmar, New Jersey 07719 has agreed to undertake this responsibility; and

WHEREAS, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law.

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 execute a contract for the aforesaid professional services with Richard T. Lynch (hereinafter referred to as “Hearing Officer”). The contract so authorized shall require Hearing Officer to provide professional services and other related duties for the Borough of Princeton for the term September 4, 2007 through December 31, 2007, the terms of such services to be set forth in the attached Professional Services Agreement to be adopted by the Mayor and Council.

**RESOLUTION 2007-R203
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
SUPPORTING THE OVER THE LIMIT IMPAIRED DRIVING CRACKDOWN**

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 34% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, a enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday are traditionally times of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2007 Impaired Driving Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 17 - September 3, 2007; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

September 4, 2007

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton declares its support for the Over the Limit Under Arrest 2007 Impaired Driving Crackdown from August 17 - September 3, 2007 and pledges to increase awareness of the dangers of drinking and driving.

**RESOLUTION 2007-R204
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
DESIGNATING AN ADDITIONAL DEPOSITORY
FOR THE BOROUGH OF PRINCETON FOR THE YEAR 2007**

WHEREAS, Resolution 2007-R20 of the Mayor and Council of the Borough of Princeton designated seven (7) depositories to be utilized for the year 2007 by the Borough of Princeton for all monies of the Borough of Princeton coming into the hand of the Chief Financial Officer; and

WHEREAS, the Mayor and Council wish to utilize an additional certified public depository for the year 2007 as a designated depository for all monies of the Borough of Princeton coming into the hand of the Chief Financial Officer.

BE IT RESOLVED that the following depository will be included as a designated depository:

8. **THE BANK OF PRINCETON**

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer and the Municipal Clerk.

**RESOLUTION 2007-R205
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING RELEASE OF PERFORMANCE
TO BARKY BROTHERS HOLDINGS**

WHEREAS, Barsky Brothers Holdings, LLC (“the Developer”) previously received preliminary/final major subdivision approval from the Princeton Regional Planning Board for the construction of certain residential units at 302 Nassau Street, at Block 34.01, Lots 2 and 3 on the tax map of the Borough of Princeton and commonly known as 302 Nassau Street; and

WHEREAS, the Developer had posted a performance bond to ensure the satisfactory completion of public improvements pursuant to *N.J.S.A. 40:55D-53*; and

WHEREAS, the Developer has now requested a release of its performance bond; and

WHEREAS, the Borough of Princeton Department of Engineering has inspected the project and found it to be complete and has that the performance bond be released subject to the posting of the two year maintenance bond pursuant to *N.J.S.A.40:55D-53*;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton that the Borough Clerk is authorized to release the performance bond posted by Barsky Brothers Holding, LLC in connection with construction of certain residential units at Block 34.01, Lots 2 and 3 upon the posting by Barsky Brothers of a two year maintenance guarantee, in the form prescribed by *N.J.A.C. 5:39-1.2* or 1.4, with the Borough Clerk’s office.

**RESOLUTION 2007-R206
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY
THE PRINCETON UNIVERSITY DEPARTMENT OF ATHLETICS**

WHEREAS, The Princeton University Department of Athletics has planned their fall athletic season schedule which begins on September 15, 2007 and includes their defending Ivy League champion football team; and

WHEREAS, The Princeton University Department of Athletics has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and State Affairs at Princeton University beginning Monday, September 10th through Monday, September 17th, 2007 to advertise their athletic program and “kick-off” to the Princeton Community; and

September 4, 2007

WHEREAS, this banner will be promptly removed after its use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2007-R207
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY
THE HISTORICAL SOCIETY OF PRINCETON**

WHEREAS, The Historical Society of Princeton has planned their annual Princeton Fall Antiques and Fine Arts Show which is being held in September, 2007 and

WHEREAS, The Historic Society of Princeton has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and State Affairs at Princeton University beginning Monday, September 24th through Monday, October 1st , 2007 to advertise this annual fundraising event to the Princeton Community; and

WHEREAS, this banner will be promptly removed after its use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2007-R208
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY
THE PRINCETON UNIVERSITY DEPARTMENT
OF COMMUNITY AND REGIONAL AFFAIRS**

WHEREAS, The Princeton University Department of Community and Regional Affairs has planned the University's fall Community And Staff Day being held on October 6th, 2007 at the Princeton University Football Game; and

WHEREAS, Princeton University Department of Community and Regional Affairs has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Monday, October 1 through Monday, October 8, 2007 to advertise this program to the entire Princeton Community; and

WHEREAS, this banner will be promptly removed after its use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2007-R209
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPOINTING DEPUTY REGISTRARS**

WHEREAS, the Borough wishes to appoint Deputy Registrars to serve in the absence of the Registrar of Vital Statistics,

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

Anne Borek is hereby appointed to serve as Deputy Registrar of Vital Statistics
Tamara Kretschmann is hereby appointed to serve as Alternate Deputy Registrar of Vital Statistics

**RESOLUTION 2007-R210
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 \$16,994.79 is now available as a miscellaneous revenue anticipated from **“State of New Jersey – Drunk Driving Enforcement Fund”** and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$16,994.79 be and the same is hereby appropriated under the caption of **““State of New Jersey – Drunk Driving Enforcement Fund”**.

**RESOLUTION 2007-R211
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING TAX REFUNDS**

WHEREAS, Decimus W. Marsh, Chief Financial Officer has forwarded a list of residents for tax refund from the Borough of Princeton for review and approval by the Mayor and Council as follows:

<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Owner</u>	<u>Property Location</u>	<u>Amount</u>
26.02	19		Desjardins, David & N.C. Blachman Mail to: 1538 Burlingame Ave. Burlingame, CA 94010	99 Moore St.	930.25
30.01	4		Pankove Partnership LLLP Mail to: 809 10 th Street Boulder, Co 80302	29-31 Moran Ave.	30.65
Due to change of assessment-house demolished.					
12.01	4		Historic Morven Mail to: 55 Stockton St/Cl Smith	63 Stockton St.	327.60
17.01	30		Arts Council of Princeton Mail to: 301 N. Harrison St #23B	102 Witherspoon St.	229.50

September 4, 2007

36.01	9	Princeton Theological Seminary Mail to: CN 821	18 Edgehill St.	43.20
36.02	6	Princeton Theological Seminary Seminary	20 Library Pl.	51.30
45.01	1.02	Trustees of Princeton University Mail to: 22 Chambers St. Suite 200A Princeton, NJ 08542	Hamilton Hall	602.70
45.01	1.07	Trustees of Princeton University	Stanhope Hall	118.80
45.01	1.12	Trustees of Princeton University	Henry Hall	297.30
45.01	1.58	Trustees of Princeton University	Walker Hall	1,284.00
46.01	1.07	Trustees of Princeton University	41 William St.	1,866.00
47.01	25	Trustees of Princeton University	201 Nassau St.	27.00

Due to lower sewer charges in 2007.

<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Owner</u>	<u>Property Location</u>	<u>Amount</u>
33.03	93		Guerzini, Jean Katherine	6 Spruce St.	1,323.23

Due to 2006 NJ Homestead Rebate

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the tax refunds as presented.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Officer, Tax Assessor and Tax Collector.

Councilman Koontz moved to approve Resolutions 2007-R202, 2007-R203, 2007-R204, 2007-R205, 2007-R206, 2007-R207, 2007-R208, 2007-R209, 2007-R210, and 2007-R211; Councilwoman Benchley seconded and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, Bill List for September 4, 2007 — Resolution 2007-R212** as follows:

**RESOLUTION 2007-R212
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE SEPTEMBER 4, 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)	\$2,964,711.02
PARKING UTILITY OPERATING FUND(7-05)	486,643.99
AFFORDABLE HOUSING OPERATING ACCT (7-24)	1,361.37
CAPITAL ACCOUNT (C-04)	646,658.14
PARKING UTILITY CAPITAL FUND (P-06)	34,500.00
ESCROW (E-30)	2,594.36
TRUST FUND (T-13)	400.00
MANUAL (6-01)	8,152,428.75
GRANT (G-02)	1,010.00

September 4, 2007

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of September 4, 2007 as presented.

Councilman Koontz moved to approve Resolution 2007-R212, seconded by Councilwoman Trelstad and approved unanimously by Borough Council.

Councilman Koontz moved to adjourn, seconded by Councilwoman Trelstad. There being no further business, Mayor Trotman adjourned the open session meeting at 8:25 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk