

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
September 11, 2007
Regular Meeting
Open Session 7:30 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 Police Chief Anthony V. Federico, Assistant Borough Attorney Karen L. Cayci, Princeton Health Department Officer David Henry, Animal Control Officer Mark Johnson, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:30 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 11, 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 asked all present to rise for the salute to the flag.

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

Presented for approval were the minutes of the closed session of July 10, 2007.

Councilman Koontz moved to approve the minutes of the closed session of July 10, 2007, Councilwoman Benchley seconded and Council approved unanimously.

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

There was no closed session.

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

September 11, 2007

Kevin Wilkes, Princeton Parks Alliance, invited the public to attend the Battle Monument Lighting Ceremony on Saturday, September 15, 2007, at 7:00 P.M.. Mr. Wilkes also mentioned a fund raising reception immediately following with tickets available through the Parks Alliance.

Martin Lombardo, 327 Nassau Street, read and submitted for the record a statement of complaint advising that he had met with legal counsel to file a 66 million dollar lawsuit against Mayor, Council and the Chief of Police with the crime of character assassination and damage to his emotional health. Mr. Lombardo stated that neither Council nor the Chief of Police had contacted him regarding an incident and formal complaint against Princeton University's Department of Public Safety which he brought before council on July 10th, 2007.

Councilman Martindell offered assistance, asking Mr. Lombardo to contact him personally.

Councilman Goldfarb invited Mr. Lombardo to return when the Princeton University Public Safety was scheduled to appear with the Princeton Alcohol and Drug Alliance annual report.

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

Borough Clerk Andrea Lea Quinty provided brief demonstration of the new Borough Website being launched the next day.

Mayor Trotman read **Agenda Item G, Report (1) – Monthly Police Report – Anthony Federico, Chief of Police**

**RESOLUTION 2007-R213
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, Anthony V. Federico, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of July 2007; and

WHEREAS, the Mayor and Council reviewed said report at their Regular Meeting attended by Chief of Police Federico and made various inquiries of Chief Federico

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the July 2007 Monthly police report prepared by the Chief of Police.

Councilwoman Trelstad mentioned bicycle and skateboard violations in the Albert E. Hines Community Plaza. Chief Federico replied that violators are cited; parents of juveniles are contacted by police.

Councilman Goldfarb inquired about enforcement of the Attorney General's policy regarding reporting immigration status of people arrested for serious crimes and/or drunk driving. Councilman Goldfarb suggested reporting *everybody* to ICE and leaving distinctions to that group.

Chief Federico's "best response" was that, when asked if a citizen, if a perpetrator replied "Yes" (with or without documentation), the police inquiry ends.

It was suggested that the Borough Public Safety Committee discuss this matter further.

Councilwoman Benchley asked why “Failure to Obey Directions” infractions had increased dramatically from 2006. Chief Federico clarified that that is a motor vehicle citation.

Councilman Koontz moved to approve Resolution 2007-R213, seconded by Council President Karcher and approved unanimously by Borough Council.

Mayor Trotman read by title **Agenda Item H, Old Business (1) – Public Hearing and Adoption: Ordinance 2007-18** A BOND ORDINANCE APPROPRIATING \$500,000 FROM THE SEWER ESCROW TRUST TO PROVIDE FOR VARIOUS SEWER PROJECTS IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY.

Councilwoman Benchley moved to adopt Ordinance 2007-18; Councilman Goldfarb seconded.

Robert Bruschi, Borough Administrator, explained that the ordinance permits use of cash from the sewer trust for capital sewer projects. In answer to Councilman Goldfarb’s inquiry it was reported by Karen Cayci, Assistant Borough Attorney, that a reply from Township Attorney Edwin Schmierer was just distributed to Borough Council.

Hearing no further 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, Benchley, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item H, Old Business (2) – Public Hearing and Adoption: Ordinance 2007-19** , A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$763,694 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$726,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Councilwoman Benchley moved to adopt Ordinance 2007-19; Council President Karcher seconded.

Councilman Goldfarb emphasized commitment to improving Trinity lot before approving the ordinance.

Councilman Koontz emphasized commitment to improving park pathways, especially in Marquand Park, before approving the ordinance.

Hearing no further 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, Benchley, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item H, Old Business (3) – Public Hearing and Adoption: Public Hearing and Adoption: Ordinance #2007-20, BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$984,214 AUTHORIZING THE ISSUANCE OF \$935,000 R NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

Councilman Koontz moved to adopt Ordinance 2007-20; Councilwoman Trelstad seconded.

Mr. Bruschi stated that the ordinance represents the remainder of joint agency bonds for 2007.

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, Benchley, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item H, Old Business (4) – Public Hearing and Adoption: Public Hearing and Adoption: Ordinance #2007-21, BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT FOR THE PARKING UTILITY OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$39,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$39,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Councilman Koontz moved to adopt Ordinance 2007-21; Councilwoman Benchley seconded.

Mr. Bruschi stated the funds are required for Boroughs portion of computer upgrades for the parking garage. Mr. Bruschi reported that “Easy Pass-type” billing for parking charges is cost prohibitive.

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, Benchley, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item H, Old Business (5) – Public Hearing and Adoption: Ordinance #2007-22, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 6 OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING “ANIMALS AND FOWL” TO ADDRESS VICIOUS OR POTENTIALLY DANGEROUS DOGS**

Councilman Koontz moved to adopt Ordinance 2007-22; Councilwoman Benchley seconded.

Hearing no comment from Council, Mayor Trotman opened the public hearing.

Sue Tillet, 128 Jefferson Road, Princeton Township, addressed separate legislation and tax on guide dogs stating blind people and their dog companions need protection wherever an attack may occur, even in their own homes. Ms. Tillet volunteered to sit on a committee to investigate management of dangerous dogs.

Diana Knowlworth addressed Council, explaining she had lost her dog to three vicious attacks by the same dog in Stanworth. Ms. Knowlworth stated that on each occasion, the aggressor dog retreated at the sound of a whistle, clearly identifying the dog's owner. Neither the Borough or the University were able to take action.

Carol Yam, 92 Linden Lane, described the death of her pet dog on Ewing Street by the jaws of a vicious dog. She suggested an on-line registry for potentially dangerous dogs. The "strike three" system for handling such dogs is inadequate.

Sheila Hart of Maple Street, a 45-year Borough resident, expressed support of the ordinance.

Mayor Trotman returned discussion to Council. Councilwoman Benchley favored the ordinance and forming a committee as suggested by Ms. Tillet. She recommended researching other municipalities' laws and consulting Borough Attorney about limitations from state laws.

Councilman Koontz stressed educating the public to report dog attacks so that action can be taken under the ordinance.

David Henry, Health Officer, pointed out that the police keep track of dog attacks; the public *must* inform the police of all incidents so that the police can, in turn, inform Animal Control Officer Mark Johnson for followup. He encouraged formation of an investigative committee.

Ms. Cayci informed Council that the state intended to preempt the issue, but research may produce other state statutes that support local ordinances protecting animals from other animals.

Mayor Trotman clarified that acting on any of these suggestions in the future does not preclude adopting the ordinance today.

Councilwoman Benchley suggested drafting the Health Department, rather than creating a new committee, for research and recommendations. Interested citizens should contact Mr. Henry.

Mayor Trotman called the question. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item I, New Business (1) – Introduction and Order to Publish: Ordinance 2007-23 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14 OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING THE ORGANIZATION AND MANAGEMENT OF THE PRINCETON FIRE DEPARTMENT**

Councilman Goldfarb moved to introduce Ordinance 2007-23, Council President Karcher seconded.

Mr. Bruschi explained that the ordinance amends the standing Fire Department ordinance to update procedures for choosing a chief and delete irrelevant components of the ordinance. In order to address comments from fire companies, Mr. Bruschi recommended postponing public discussion to October 2007.

Mr. Bruschi proposed discussion today address the *content* of the ordinance rather than its structure. Mr. Bruschi summarized changes:

1. Cancel limit on number of volunteers
2. Add types of support membership (e.g., ladies' auxiliary)
3. Modify member qualifications
4. Provide members with copies of rules and regulations
5. Permit Council to waive residency requirements
6. Delete "Board of Engineers" as decision-making body
7. Remove the planning of social activities
8. Change stipend decisions to align with Council's budget
9. Update selection procedure

Councilman Koontz suggested qualifications first, followed by selection of a chief which should be the last item described for more logical flow of the ordinance. Mark Freda explained that each house elects a "chief." The selection committee determines one company chief (from the three chiefs elected by the houses) to be Department Chief; the other two company chiefs will be Deputy Department Chiefs.

Council discussed junior firefighters and amending some language to clarify intent of the ordinance.

Hearing no further comment from Council, Mayor Trotman opened public discussion.

Charlie Scoma, First Lieutenant of Hook & Ladder Company, stated that earlier notification of upcoming fire department related meetings would result in good attendance by firemen.

Closing the public session, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, Martindell and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced.

Councilman Goldfarb inquired of the volunteer fire incentive program. Mr. Bruschi reported that administration and finance endorsed the program. Federal income tax matters (Form 1099) precluded action to date. Council discussed payment options to resolve promptly appropriate payment to fire houses and firemen.

Mayor Trotman read **Agenda Item I, New Business (2) – Resolution 2007-R214** as follows:

**RESOLUTION 2007-R214
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE ESTABLISHMENT**

OF 2007 POLICE DEPARTMENT HIRING LISTS

WHEREAS, On September 5, 2007 the Borough of Princeton Public Safety Committee conducted interviews with candidates for potential openings that may occur in the Princeton Borough Police Department; and

WHEREAS, the Borough of Princeton Public Safety Committee make recommendation to Mayor and Council to establish a patrol officer hiring list of two individuals for any openings that may occur in the police department; and

WHEREAS, in accordance with Section 26-5 of the Code of the Borough of Princeton, the following two individuals comprise the police-hiring list:

Steven Kucinski
Christopher Edward Craven

WHEREAS, the Public Safety Committee further recommended that two additional application files remain open for future consideration as referenced in the approved minutes of the Public Safety Committee;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby confirm the creation of a two year police-hiring list to be maintained until September 5, 2009;

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief of Police, the Borough Administrator and the Public Safety Committee.

Councilman Martindell moved to approve Resolution 2007-R214; Council President Karcher seconded.

Councilman Goldfarb questioned the Borough's diversity methodology for recruiting police officers. The most current search was for prescreened candidates, leading to officers who were not of a diverse pool. Mr. Bruschi responded that both dollars and timing factor into recruitment, limiting extent of search.

Councilman Martindell inquired about joint police recruitment with neighboring communities. Mr. Bruschi questioned which community would be able to choose first. Chief Federico countered that the Borough's requirements may surpass those of other municipalities and selection procedures differ from town to town.

Borough Council unanimously approved Resolution 2007-R214.

Mayor Trotman read **Agenda Item I, New Business (3, 4, 5) — Resolutions 2007-R215, 2007-R216, and 2007-R217** as follows:

**RESOLUTION 2007-R215
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough wishes to amend a certain professional services agreement with Van Cleef Engineering Associates, to provide additional engineering services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated.

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 enter into an addendum to a contract for professional services with Van Cleef Engineering Associates (hereinafter referred to as "Provider") said contract being dated June 12, 2007.

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

With respect to the to Municipal Sanitary Sewer Rehabilitation Projects, Provider will provide inspection of such construction projects administered directly by the Princeton Sewer Operating Committee or by Princeton Borough or Princeton Township as part of a roadway reconstruction project.

2. The Borough shall pay the Provider the following additional compensation: An amount not to exceed \$50,000.00.

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.

**RESOLUTION 2007-R216
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT
WITH THE PRINCETON SENIOR RESOURCE CENTER**

WHEREAS, the Borough of Princeton wishes to provide various services to Senior Citizens at the Suzanne Patterson Center, the Princeton Senior Resource Center and various outreach locations; and

WHEREAS, the Borough wishes to enter into a Services Agreement with Princeton Senior Resource Center (hereinafter "Provider") for the aforesaid services; and

WHEREAS, services to be performed may be retained by the Borough without public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. because the aforesaid services are extraordinary and un-specifiable in nature; and

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

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

1. The Mayor and Clerk are hereby authorized to enter into a Services Agreement with Provider with offices at Suzanne Patterson Center, 45 Stockton Street, Princeton, New Jersey 08542 to cover the period from January 1, 2007 to December 31, 2007.

2. The Agreement so authorized shall require the Provider to provide various programs and services to Senior Citizens, said services to be provided at the Suzanne Patterson Center, the Princeton Senior Resource Center and various outreach locations. The programs and services to be provided by the Provider will include:

- Information and referral services;
- Counseling and social services regarding entitlement and tax, legal and insurance assistance;
- Crisis intervention;
- Recreational and social activities;
- Volunteer visiting and support to the home bound;
- Education programs;
- Health promotion and screenings.

3. The Borough shall pay the Provider the following compensation:

The amount of One Hundred One Thousand Five Hundred Sixty and 00/100 Dollars (\$101,560.00), said amount to be paid in monthly installments of \$8,463.33.

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

**RESOLUTION 2007-R217
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough wishes to enter into an agreement with **PMK Group Consulting & Environmental Engineers**, (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 professional engineering services to operate, maintain and monitor a groundwater dewatering treatment system for the basement of the Princeton Borough Parking Garage, located at Witherspoon /Spring Streets 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.7-07-02-007-282

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 **PMK Group Consulting & Environmental Engineers**.

1. The contract so authorized shall require **PMK Group Consulting & Environmental Engineers** to provide services and other related duties, as follows:

Provider will provide professional engineering services to operate, maintain and monitor a groundwater dewatering treatment system for the basement of the Princeton Borough parking Garage, located at Witherspoon / Spring Streets. Provider's services are further described in the attached Exhibit A, as amended.

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.

2. The Borough shall pay the Provider the following compensation:

An amount not to exceed Twenty Five Thousand and Five Hundred and Fifty Dollars (\$25, 550.00) in accordance with a rate schedule, a copy of which is attached to the Professional Services Agreement.

3. 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.

4. 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.

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

6. 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.

Councilman Koontz moved to approve Resolutions 2007-R215, 2007-R216, and 2007-R217; Councilwoman Benchley seconded; Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, Bill List for September 11, 2007 — Resolution 2007-R18** as follows:

September 11, 2007

**RESOLUTION 2007-R218
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE SEPTEMBER 11, 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 (6-01)	\$10,462.28
CURRENT ACCOUNT (7-01)	116,419.79
PARKING UTILITY OPERATING FUND (7-05)	17,616.40
AFFORDABLE HOUSING OPERATING ACCT (7-24)	299.95
CAPITAL ACCOUNT (C-04)	11,345.52
PARKING UTILITY CAPITAL FUND (P-06)	3,081.00
ESCROW (E-30)	722.00
TRUST FUND (T-13)	1,288.38
MANUAL	4,972,413.65

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of September 11, 2007 as presented.

Councilman Martindell moved to approve Resolution 2007-R218, seconded by Councilman Koontz and approved unanimously by Borough Council.

Councilwoman Trelstad moved to adjourn, seconded by Councilman Koontz. There being no further business, Mayor Trotman adjourned the open session meeting at 10:07 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk