

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
October 9, 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 Attorney Michael J. Herbert, Borough Engineer Carl E. Peters, Borough Fire Official William Drake, Police Lieutenant Sharon Papp, Assistant Borough Administrator Sandy Webb, 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 October 9, 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 added **Agenda Item, Old Business — Resolution 2007-R226**, bid award regarding Cleveland and Lafayette.

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

Presented for approval were the minutes of the closed session of August 7, 2007. At Councilman Martindell’s request, the minutes were deferred to October 23, 2007.

Presented for approval were the minutes of the closed session of August 14, 2007.

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

Presented for approval were the minutes of the open session of October 2, 2007.

Councilwoman Trelstad pointed out a change and Councilwoman Benchley moved to approve the amended minutes of the open session October 2, 2007, Council President Karcher seconded and Council approved unanimously.

Mayor Trotman read **Agenda Item F, Oath of Office (1) – Resolution 2007-R230** as follows:

**RESOLUTION 2007-R230  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPOINTING THE CHIEF OF THE PRINCETON FIRE DEPARTMENT**

**WHEREAS**, within the Borough of Princeton is established the Princeton Fire Department; and

**WHEREAS**, Chapter 14, Section 14-36 of the Code of the Borough of Princeton adopted on November 5, 2003 ordained that the Princeton Fire Department elect a Fire Chief and two Deputy Chiefs to be confirmed by the Mayor and Council of the Borough of Princeton; and

**WHEREAS**, as a result of an election held the first Tuesday of December in the year 2005, the members of the Princeton Fire Department hereby recommended a member for the position of Fire Chief and two Deputy Chiefs for a two year term; and

**WHEREAS**, Chapter 14, Section 14-36 of the Code of the Borough of Princeton ordained that in case of a vacancy or announced departure in the fire chief's position, the higher ranking deputy chief will have the opportunity to assume the role of fire chief for the remainder of the term and if he or she declines the second deputy chief will have the same opportunity; and

**WHEREAS**, in accordance with Chapter 14, Section 14-36 elected Chief Pat McAvenia resigned his appointment as fire chief effective September 29, 2006; and

**WHEREAS**, in accordance with Chapter 14, Section 14-36 1<sup>st</sup> Deputy Chief Keith Wadsworth declined the opportunity to assume the role of fire chief; and

**WHEREAS**, on October 26, 2006, 2<sup>nd</sup> Deputy Chief Ahmed Jamie Alkhateeb was appointed and confirmed Chief of the Princeton Fire Department for the remainder of the term through December 31, 2007; and

**WHEREAS**, Chief Ahmed Jamie Alkhateeb announced he was relocating his residence and in accordance with Section 14-36 of the Borough Code resigned his appointment as fire chief effective September 25, 2007; and

**WHEREAS**, in accordance with Chapter 14, Section 14-36, 3<sup>rd</sup> Deputy Chief Richard McKee accepted the opportunity to assume the role of fire chief for the remainder of the term;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton that 3<sup>rd</sup> Deputy Chief Richard McKee be appointed and confirmed Chief of the Princeton Fire Department for the remainder of the term through December 31, 2007.

Councilman Goldfarb moved to approve Resolution 2007-R230, Councilwoman Trelstad seconded and Borough Council approved unanimously.

Mayor Trotman administered the oath of office to Chief Richard McKee.

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

Regarding the remainder of the downtown redevelopment project, Mark Freda, Fisher Avenue, requested that Council inform the public of original agreement requirements and Council's perception of the issues; an offer the other side has already seen can do no harm if publicized.

Councilman Martindell reviewed the history of citizens' active participation in public meetings regarding downtown development.

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

Mayor Trotman read **Agenda Item G, Correspondence (1) – Rental Housing – Donna Hamilton**

Donna Hamilton said she is seeking Borough mediation between landlord and tenant with a list of people who might represent each side in a dispute and offer "good advice." William Drake, Borough Fire Official, responded that he and his rental housing coordinator were available for mediation and counseling. Ms. Hamilton stressed interest in rent control with fairness, as well as any tenant/landlord dispute.

Councilwoman Trelstad suggested the Affordable Housing Board investigate. Mayor Trotman stated she would pursue avenues and report her findings to Council.

In response to an inquiry from Council, Mr. Drake stated that Borough tenant information is not distributed by his office. Mr. Drake stated that renters learn of issues through the Web site, from landlords or fellow tenants. He affirmed that no problem was brought before Council for the last 10–12 years, suggesting that the counseling and mediation provided is adequate (the Rental Housing Board has disbanded some years ago).

Mr. Drake said public information about the local office should be easy to supply, and in response to Council's request, promised to pursue that with Sandra Webb, Assistant Borough Administrator.

Ms. Hamilton agreed that landlords must be accountable to their tenants.

Mayor Trotman read **Agenda Item G, Correspondence (2) – Pergola Structure – Jill Carpe**

Jill Carpe, Shop the World, described her concerns about the pergola's negative impact on her store, public safety, and cleanliness. Ms. Carpe informed Council that Robert Bruschi, Borough Administrator, had advised her to approach Council prior to the construction of the pergola.

Carl Peters, Borough Engineer, displayed approved plans for the pergola explaining the design that included screens and adding that ivy-covered screens were intended to hide unsightly rears of buildings. Ms. Carpe disagreed that Farrington's and Shop the World were unattractive from behind.

Councilwoman Benchley recapped that the original intent was to welcome the Spring Street stores to open onto the plaza and asked if it was possible to remove the screens.

Mr. Peters cautioned that rear entrances for Spring Street stores require site plan approval, which they currently do not have. Mr. Peters reiterated that installing the screens incurs a cost to Borough as would their removal later.

Councilwoman Trelstad volunteered personally to review the plans, inspect and measure the plaza area in question and present her conclusions to Public Works. Councilwoman Benchley agreed to accompany Councilwoman Trelstad. Mr. Peters said he would walk along with them with the drawings and demonstrate where screens are planned.

At Mayor Trotman's request, Mr. Peters agreed to meet with Ms. Carpe and Michelle Farrington of Farrington's Music to discuss their stores' sign heights. Mr. Peters stated the Zoning Board of Adjustment must endorse raising signs to the rooftop; governing body does not provide such approval.

Mayor Trotman read **Agenda Item H, Report (1) – Monthly Police Report – Sharon Papp, Police Lieutenant**

**RESOLUTION 2007-R231  
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 August 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 August 2007 Monthly police report prepared by the Chief of Police.

Lt. Papp apologized for typographical errors in the report presented to Council and orally made corrections.

Council discussed appropriate dates to pursue public/University alcohol issues and targeted December 4, 2007, as a time when all interested parties may be available to attend Council's public meeting.

Council President Karcher expressed concern about an incident of wine drinking in the plaza. Lt. Papp stated there have been no complaints regarding open containers at plaza tables.

Councilman Martindell reported that a constituent, after a morning episode near McCarter Theater, asked him the status of crosswalk enforcement. Lt. Papp replied that enforcement has been stepped up with the return of students to Princeton. She explained that civilian parking enforcement officers cannot issue summons in a crosswalk incident, but the pedestrian can take action by noting the license plate, identifying the offender, and informing police.

Councilwoman Trelstad commended Councilman Martindell for identifying an ongoing problem, that crosswalks are not safe. Councilwoman Benchley expressed hope that Council examine closely the Crosswalk Report scheduled for November 7<sup>th</sup> and its recommendations.

Mayor Trotman stressed that attention must be paid to jaywalkers.

Councilman Koontz moved to approve Resolution 2007-R231, Councilwoman Benchley seconded, and Borough Council unanimously approved acceptance of the Police Report.

Mayor Trotman read **Agenda Item, Old Business — Resolution 2007-R226.**

**RESOLUTION 2007-R226  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

**WHEREAS**, the Borough of Princeton has determined the need for construction services in connection with the reconstruction of Cleveland Lane and a portion of Lafayette Road; and

**WHEREAS**, the Borough has solicited bid proposals for same; and

**WHEREAS**, all bid proposals were opened on Thursday, August 23, 2007; and

**WHEREAS**, the Borough received the following bids: S. Brothers, Inc., in the amount of \$1,434,586.60; Green Construction Inc., in the amount of \$1,540,309.07; and Bill-Jim Construction Co. Inc., in the amount of \$1,598,248.49; and

**WHEREAS**, it is the recommendation of the Borough Administrator that the contract be awarded to S. Brothers, Inc., 12 Ferry Street, South River, New Jersey 08882, as the lowest responsible bidder; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds are available for the purposes set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton that a Contract be awarded to S. Brothers, Inc., 12 Ferry Street, South River New Jersey 08882, for the reconstruction of Cleveland Lane and a portion of Lafayette Road as set forth in the bid specifications.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

Mayor Trotman explained that the bid award is time-sensitive and before Council today for consideration.

Mr. Peters reviewed the issue of granite versus concrete curbing, and reported the voting results of homeowners regarding their preference of concrete or bluestone curbing. He said the bid award must be subject to approval by the Commissioner of Transportation.

Councilman Goldfarb moved to award the base bid, subject to approval by the Commissioner of Transportation, to S. Brothers. Councilwoman Trelstad seconded and Council approved unanimously. Mayor Trotman proclaimed the resolution passed.

Mayor Trotman read **Agenda Item I, New Business (1-5) — Resolutions 2007-R232, 2007-R233, 2007-R234, 2007-R235, and 2007-R236** as follows:

**RESOLUTION 2007-R232  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE SUBMITTAL OF A COMMITMENT LETTER  
AND PLANNING DOCUMENTS (REVISED) TO THE  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST  
FOR INCLUSION IN THE 2008 FINANCING PROGRAM**

**WHEREAS**, the Mayor and Borough Council of Borough of Princeton and the Mayor and Township Committee of the Township of Princeton have directed the Princeton Sewer Operating Committee (PSOC) to perform a long-term program for the rehabilitation of the sanitary sewer collection system; and

WHEREAS, the New Jersey Environmental Infrastructure Financing Program (EIFP) is a partnership between the New Jersey Department of Environmental Protection (NJDEP) and the New Jersey Environmental Infrastructure Trust (Trust); and

WHEREAS, the New Jersey State Legislature created the program to offer local governments low-cost financing for the construction and rehabilitation of wastewater infrastructure projects; and

WHEREAS, borrowers of the EIFP receive two (2) loans, a zero percent interest loan from the NJDEP and a market rate interest loan from the sale of the Trust's AAA rated tax-exempt bonds; and

WHEREAS, projects related to the rehabilitation of the sanitary sewer system receive fifty (50) percent of the total loan from the NJDEP and fifty (50) percent of the total loan from the Trust, making their loans one-half of the market rate; and

WHEREAS, representatives of the Princeton Sewer Operating Committee have been working with representatives of the NJDEP this past year with respect to program requirements and schedules; and

WHEREAS, the 2008 Loan Program requires a Commitment Letter and Planning Documents to be submitted to the NJDEP by October 15, 2007 in order to be eligible for funding in the 2008 Financing Program and to be eligible to submit design documents and a loan application prior to the March 3, 2008 deadline.

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

1. The Borough Administrator and the Princeton Sewer Operating Committee Manager are hereby authorized to sign and submit the Commitment Letter and Planning Documents to the New Jersey Department of Environmental Protection by October 15, 2007 in order to be eligible for funding in the 2008 Financing Program.
2. This authorization is contingent upon the Township of Princeton adopting a reciprocal Resolution authorizing the above referenced submission.
3. A certified true copy of this Resolution should be forwarded by the Borough Clerk to the Township of Princeton and the PSOC upon its adoption.

**RESOLUTION 2007-R233  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

**WHEREAS**, the Borough desires to enter into a professional services agreement in connection with certain activities 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 a contract for professional services with Lois P. Rago, Esq., DeCotiis, FitzPatrick, Cole & Wisler, LLP (hereinafter referred to as "Provider") to provide Special Legal Counsel from October 9, 2007 through December 31, 2007, as hereafter more particularly stated.

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

Provider shall serve as a consultant to the Regional Planning Board of Princeton to review and evaluate various land development applications as filed with the Board to the Provider, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, NJASA 40:SSD-1 et seq., and Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974." The Provider shall also meet with the representatives of the Borough and the applicant as may be necessary in order to discuss with said representatives, as well as with members of the respective Boards or their staff, the various telecommunications issues associated with the development application forwarded to the Provider for review and comment.

Under this Agreement, 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 with a rate schedule of:

Legal review of applications and representation at meetings \$180.00 per hour; Matters of Litigation: \$180.00 per hour as needed.

Rendition of Invoices: Payment of fees will be made upon the submission to the Provider to the Borough of invoices in duplicate in the form prescribed by the Borough not later than the tenth (10th) day of the month following that covered by the invoice, and shall specify in detail the periods for which fees are claimed for the services performed. The provider shall give written notice to the Borough when the Provider has billed eighty (80%) of the compensation set forth in paragraph I of the Agreement.

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. The 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-R234  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING RAFFLE LICENSE RA:318 TO TRINITY CHURCH**

**WHEREAS**, the TRINITY CHURCH submitted a raffle application to the Borough Clerk ; and  
**WHEREAS**, N.J.A.C. 13:47-4.1 requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period is satisfied on October 9, 2007; and

**WHEREAS**, Trinity Church, in accordance with N.J.A.C. 13:47-3 et seq, has submitted the required fees, four copies of their application, and the Legalized Games of Chance Control Commission (LGCCC) registration form with identification number.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton that raffle license RA: 318 for Trinity Church be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the Finding and Determinations for RA: 318 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

**RESOLUTION 2007-R235  
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 \$6752.73 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Solid Waste Administration FY07 Recycling Tonnage Grant**” and

**SECTION 2.**

**BE IT FURTHER RESOLVED**, that a like sum \$6752.73 be and the same is hereby appropriated under the caption of “**State of New Jersey – Solid Waste Administration FY07 Recycling Tonnage Grant**”

**RESOLUTION 2007-R236  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING A 2007 COMMITTEE APPOINTMENTS**

**NOW BE IT RESOLVED** that the individuals listed below are appointed as members to the Borough of Princeton Boards or Committees effective as follows:

**ZONING BOARD OF ADJUSTMENT**

STEVE S. COHEN <b>Regular Member</b>	To fill an unexpired term through 01-01-2011
RUSSELL WHITE <b>Alternate #1</b>	Two Year Term through 01-01-2008
MICHAEL FLOYD <b>Alternate #2</b>	To fill an unexpired term through 01-01-2008

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to each committee and the Office of the Municipal Clerk.

Councilman Koontz moved to approve Resolutions 2007-R232, 2007-R233, 2007-R234, 2007-R235, and 2007-R236. Michael Herbert, Borough Attorney, listed some typographical changes. Councilwoman Benchley seconded and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, Bill List for October 9, 2007 — Resolution 2007-R237** as follows:

**RESOLUTION 2007-R237  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE OCTOBER 9, 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)	\$752,003.33
RESERVE ACCOUNT (6-01)	
PARKING UTILITY OPERATING FUND (7-05)	7,198.04
PARKING UTILITY OPERATING FUND (6-05)	
AFFORDABLE HOUSING OPERATING ACCT (7-24)	1,137.60
IMPROVEMENT ASSESSMENT (7-11)	
AFFORDABLE HOUSING OPERATING ACCT (6-24)	
CAPITAL ACCOUNT (C-04)	114,296.87
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	3,350.81
TRUST FUND (T-13)	1,891.30
GENERAL INSURANCE (6-14)	
FLEXIBLE SPENDING FUND (5-22)	
MANUAL (6-01)	1,073,278.69
ASSESSMENT TRUST FUND (5-11)	
GRANT (G-02)	66,136.00

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the bill list of October 9, 2007, as presented.

*October 9, 2007*

Councilwoman Trelstad moved to approve Resolution 2007-R237, Councilman Koontz seconded, and Council approved unanimously.

Councilman Koontz moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 8:55 P.M.

Respectfully submitted,

Andrea Lea Quinty  
Borough Clerk