

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
May 13, 2008
Regular Meeting
Closed Session 6:00 P.M.
Open Session 7:30 P.M.**

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

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, Borough Police Chief Anthony V. Federico, Land Use Development Official Derek Bridger, Planning Board Director Lee O. Solow, and Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 6:00 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 May 13, 2008, 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 in 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 2008-R144**, as follows:

**RESOLUTION 2008-R144
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON MAY 13, 2008**

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.

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Councilman Koontz moved to approve, Council President Karcher seconded. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

Borough Council recessed into closed session.

At 7:30 P.M. Council reconvened into open session.

Mayor Trotman asked all present to rise for **Agenda Item D, Salute to the Flag**.

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

Mr. Bruschi reported that Council discussed NHKT estoppels and planned for other up-coming public decisions. On May 27, 2008, Administration will present to Council an overview of the estoppels and required actions. Spring Street garage financials will be on the agenda for June 4, 2008, with actual estoppel approval scheduled for June 10.

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.

There were no public presentations.

Mayor Trotman read **Agenda Item G, Correspondence — 6th Annual Ivy Fest** — *Richard Ryan, Ivy Inn*

Councilman Koontz moved to accept the application. Councilwoman Trelstad seconded. Council approved unanimously.

Mayor Trotman read **Agenda Item H, Report (1) — Monthly Police Report** — *Anthony V. Federico, Chief of Police*

**RESOLUTION 2008-R145
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 March 2008; 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 March 2008 Monthly police report prepared by the Chief of Police.

Chief Federico reported that cell phone enforcement resulted in 35 summonses in March, 120 year-to-date citations.

Councilman Goldfarb asked Chief Federico about the report of a female undergraduate crying for help plus information that a woman was being beaten. Ultimately an alleged assailant was

charged by Borough police. Councilman Goldfarb noted a different standard of law enforcement found on campus from that expected throughout the rest of the Borough. Councilman Goldfarb asked Mayor Trotman to schedule a joint meeting with Borough police and campus enforcement personnel.

Councilman Martindell asked Chief Federico the status of the three suspended officers. Councilman Martindell suggested that with the passage of so much time, Borough should stop paying them or return them to duty. Karen Cayci, Borough Attorney, explained that both chief and prosecutors are proceeding appropriately.

Councilman Wilkes commended Borough traffic officers for truck enforcement.

Councilwoman Trelstad thanked Chief Federico for neighborhood control's decreasing skateboarding in the plaza.

Councilwoman Trelstad moved to approve Resolution 2008-R145, Councilman Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read by title **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2008-14** AN ORDINANCE AMENDING CHAPTER 10, CONSTRUCTION CODE ENFORCEMENT, OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974".

Councilman Martindell moved to adopt Ordinance 2008-14; Councilman Wilkes seconded. Robert Bruschi, Borough Administrator, explained that the ordinance modifies fees in the construction subcode.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item I, Old Business (2) — Public Hearing and Adoption: Ordinance 2008-16** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14 OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974" REGARDING FIRE INSPECTION AND FIRE SAFETY PERMIT FEES.

Councilman Koontz moved to adopt Ordinance 2008-16; Councilman Martindell seconded. Mr. Bruschi noted that Borough's fire fees are approximately 15 years out of date.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Henry Landau from Landau's stated the percentage increases in the proposed fees range from 40 to 100% variably depending on square feet, with smaller sites paying more than larger in some cases. Mr. Bruschi explained that the fee increases are determined by time required to conduct inspections (not a flat percentage).

Seeing no one further, Mayor Trotman closed the public discussion and returned to Council. Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman moved to **Agenda Item J, New Business (1 and 2) — Resolutions 2008-R146 and R147 and Agenda Item K, Bill List for May 13, 2008 — Resolution 2008-R148** as follows:

**RESOLUTION 2008-R146
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A SERVICE AGREEMENT WITH
SOMERSET COUNTY COUNCIL ON AFFORDABLE HOUSING (SCCOAH)**

WHEREAS, the Borough wishes to enter into an agreement with **Somerset County Coalition on Affordable Housing (SCCOAH)**, a nonprofit collaboration of business, financial institutions, social service agencies, public officials and housing advocates, (the "Provider"), for the performance by the Provider of professional services in connection with the marketing and qualification of tenants for affordable housing units; 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

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

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 **Somerset County Coalition on Affordable Housing (SCCOAH)**

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

To provide services to market and qualify tenants for one moderate income non-age restricted, affordable housing rental units, as more fully set forth in the contract.

Under this contract, the Provider shall at all times act as an independent 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 One Thousand Two Hundred Dollars (\$1,200.00).

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.

**RESOLUTION 2008-R147
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF POLE BANNERS
AS REQUESTED BY THE 1783 ORGANIZING COMMITTEE
AND PRINCETON UNIVERSITY OFFICE OF COMMUNITY AND REGIONAL AFFAIRS**

WHEREAS, The 1783 Organizing Committee is promoting the upcoming celebration of the 225th Anniversary of the United States Capitol being located in Princeton; and

WHEREAS, The 1783 Committee has requested permission to install four pole banners on Nassau Street with the approval of the Office of Community and State Affairs at Princeton University beginning June 4th 2008 through September 2, 2008 to promote the upcoming celebration ; and

WHEREAS, if no other organization is granted approval for placement of pole banners from the Mayor and Council permission will be extended to The 1783 Committee for placement through November, 2008; and

WHEREAS, the pole banners will be promptly removed after 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 pole banners on Nassau Street in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2008-R148
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MAY 13, 2008 BILL LIST**

WHEREAS, Sandra L. Webb 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 (8-01)	3,008,244.02
RESERVE ACCOUNT (7-01)	4,507.99
PARKING UTILITY OPERATING FUND (8-05)	9,972.16
PARKING UTILITY OPERATING FUND (7-05)	1,906.32
AFFORDABLE HOUSING OPERATING ACCT (8-24)	5,158.32
IMPROVEMENT ASSESSMENT (8-11)	
AFFORDABLE HOUSING OPERATING ACCT (7-24)	
CAPITAL ACCOUNT (C-04)	163,786.86
PARKING UTILITY CAPITAL FUND (P-08)	14,600.00
ESCROW (E-30)	6,386.26
TRUST FUND (T-13)	358.54
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (5-22)	
MANUAL	2,025,967.70
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 MAY 13 2008 as presented.

Councilman Koontz moved to approve Resolutions 2008-R146, -R147, and -R148.
Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman and Councilman Goldfarb recused themselves from discussion of Ordinance 2008-18 due to conflicts of interest. *Mayor Trotman and Councilman Goldfarb left the meeting at 7:55 P.M.* Council President Karcher assumed the chair.

Council President Karcher read by title **Agenda Item I, Old Business (3) — Introduction and Order to Publish: Ordinance 2008-18 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A OF THE CODE OF THE BOROUGH OF PRINCETON.**

NEW JERSEY, 1974 TO CREATE A NEW ZONE DISTRICT TO BE KNOWN AS MIXED USE (MX) ZONE.

Councilman Koontz moved to introduce Ordinance 2008-18; Councilwoman Trelstad seconded.

Council President Karcher reminded Council that Councilman Martindell, Councilman Wilkes, and Councilwoman Trelstad had expressed concerns at the April 8, 2008, meeting about language in the ordinance regarding Stanworth/Merwick/Ys. The motion to introduce failed at that time, and Lee Solow, Planning Board Director, modified the ordinance.

Mr. Solow said his staff made some minor corrections plus five major changes:

1. Age-restricted housing permitted (by Federal Fair Housing Act, must be clustered for identification)
2. Community service organization definition narrowed to “offering on-site social and recreational programs open to the Princeton community”
3. Density bonus for new age-restricted housing created
4. Princeton preference for five priority groups added (half the age-restricted, market-rate units)
 - a. Current residents of the Borough and Township
 - b. Parents and children of current residents of the Borough and Township
 - c. Residents of the Borough and Township within the last five years
 - d. Current active emergency service volunteers
 - e. Current employees of the Borough, Township, library, school board, and joint agencies.
5. COAH requirements modified (include marketing conditions).

Council members thanked Mr. Solow for his efforts.

Council President Karcher opened the public discussion and asked if anyone wished to address Council on this issue.

Francesca Benson, 30 Bainbridge Street, commended inclusion of age-restricted housing. She pointed out that, currently, seniors have no designated housing.

Dan Haggerty, representative for the trustees of the joint YMCA/YWCA, proposed returning to “not-for-profit community service organizations” plus “such as the Princeton family YMCA and the YWCA Princeton.” The Ys are concerned with inclusion of the terms “on-site” (many programs run off site) and “open” (some programs have limited enrollment).

Councilman Martindell reiterated Ms. Cayci’s point that the ordinance describes a *use* not an *ownership*.

Mr. Haggerty and Council agreed on language to define and enable Y activities.

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Michael Floyd, Quarry Street, stated that senior housing is not mandated in the ordinance. Ms. Cayci clarified that senior housing is allowed and encouraged by incentives but not required.

Yina Moore, 19 Green Street, stated senior housing development should be an inclusionary process. Council should look at *every* site as a potential spot for seniors.

Mary Ellen Marino, 9 Horner Lane, questioned just how affordable the units might be. Mr. Solow clarified that the *lots* are 3000 square feet.

Anne Studholme, Herrick Feinstein law firm, represents the acquirers of the hospital. Her client is open to providing homes for the older population, but finds “age restriction” limiting. She welcomed comments from the public.

Bob Durkee, Princeton University Vice President, spoke of the University’s plan for the site to include faculty/staff housing at Merwick and housing for both faculty and graduate students with families (as the Butler tract comes down) at Stanworth. Other uses, such as day care or office functions, may arise during the transition from hospital to University. Princeton University will accommodate needs of the Ys whenever possible.

Mark Solomon of Pepper Hamilton, representing Princeton HealthCare System, expressed reservations about age-restricted housing being mandated by zone. He encouraged Council to introduce the ordinance as is.

Pierina Thayer, 26 Chestnut Street, warned against developers who might not exploit density to the maximum benefit of the community. She stated that the property must be viewed as a valuable resource.

Seeing no one further, Council President Karcher closed the public discussion and returned to Council. Councilman Wilkes proposed additional phrases for the draft ordinance regarding adaptability to align the ordinance with New Jersey’s language. Council asked Mr. Solow to revise the adaptability section.

Councilman Martindell noted Borough’s activist stand on zoning matters. He recommended accommodating the University’s interests without surrendering to them. He noted that the draft ordinance zone might, in fact, *not produce any senior housing whatsoever*. To persuade the University to promote senior housing (in particular with a Princeton preference), Councilman Martindell suggested increasing the bonus density for building such units.

Councilman Martindell moved to table the ordinance in order for the planning staff to reduce density to below 14 units per acre and increase the bonus to more than 30 units as now indicated.

Council President Karcher stated that it is highly likely that the proposed units will be occupied by seniors — naturally — through demographics. Council President Karcher observed that Mayor Trotman and Councilman Goldfarb are recused from talk of Stanworth/Merwick/Ys land but may be eager to debate *senior housing* issues.

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Councilwoman Trelstad supported the ordinance as is, opposing any discriminatory housing rules.

Councilman Wilkes stressed the need to avoid social stratification (including clustering) in urban planning. He expressed his enthusiasm for the outline so far. He said it is time to develop a senior housing zone overlay.

Councilman Koontz, concurring with senior-housing sentiments expressed by Council members, mentioned the importance of open space preservation and parking solutions, emphasizing a smooth transition between the Merwick site and John/Witherspoon. He strongly supported the ordinance.

Councilman Martindell repeated his motion to table. No Council member seconded.

Hearing no further comment, Council President Karcher called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Council President Karcher proclaimed the ordinance introduced with possible adoption June 24, 2008.

Councilman Koontz moved to adjourn; Councilman Wilkes seconded. There being no further business, Council President Karcher adjourned the open session meeting at 9:25 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk