

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

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

Absent: Mayor Mildred Trotman

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L.  
Cayci, Borough Engineer Christopher M. Budzinski, Borough Clerk  
Andrea Lea Quinty

Council President Karcher called the meeting to order at 6:32 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 7, 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.”*

Council President Karcher read **Agenda Item C, Resolution 2008-R231**, as follows:

**RESOLUTION 2008-R231  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON OCTOBER 7, 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. Personnel
2. NHKT
3. Negotiations – Princeton Township

**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.

Councilman Goldfarb objected to the addition and discussion of Princeton Township negotiations in closed session.

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

Borough Council recessed into closed session.

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

Council President Karcher asked all present to rise for **Agenda Item D, Salute to the Flag.**

Council President Karcher read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of September 23, 2008.

Borough Clerk Andrea Lea Quinty read a change of wording regarding notice from Cottage Club. Councilman Koontz moved to approve as amended the minutes of the open session of September 23, 2008; Councilwoman Trelstad seconded; Council approved unanimously.

Council President Karcher read **Agenda Item F, Summary — Closed Session Discussion — Robert W. Bruschi, Borough Administrator**

Mr. Bruschi reported that Council discussed suspended police officers and police contract negotiations. Borough Attorney updated Council on Nassau HKT mediation. Council also went over library parking and Northridge talks with Princeton Township.

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

Hendricks Davis, 232 John Street, addressed Council as a board member for the Association for Children of New Jersey, a statewide advocacy organization for the rights, safety, security, and success of all New Jersey children. He presented pamphlets on an upcoming forum (October 28 in partnership with Verizon and Boys/Girls Clubs) on child Internet safety.

Seeing no one further from the public, Council President Karcher closed the public portion.

Council President Karcher read **Agenda Item H, New Business (1) — Introduction and Order to Publish: Ordinance 2008-26, A BOND ORDINANCE APPROPRIATING \$16,000 FROM THE CAPITAL SURPLUS FUND TO PROVIDE FOR SIDEWALK IMPROVEMENTS ON CERTAIN PROPERTIES LOCATED ON WILSON ROAD IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.**

Councilman Koontz read by title and moved to introduce Ordinance 2008-26; Councilwoman Trelstad seconded.

Council President Karcher called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Council President Karcher proclaimed the ordinance introduced with a public hearing scheduled for November 5, 2008.

Council President Karcher read **Agenda Item H, New Business (2) — Introduction and Authorization To Publish: Ordinance 2008-27, A BOND ORDINANCE AMENDING SECTION 3(a) OF BOND ORDINANCE NUMBERED 2001-15, AS AMENDED BY ORDINANCE 2008-03 AND SECTION 3 (n) OF BOND ORDINANCE NUMBERED 2006-16, AS AMENDED BY ORDINANCE 2008-05 OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED NOVEMBER 27, 2001 AS AMENDED FEBRUARY 26, 2008 AND JULY 25, 2006 AS AMENDED FEBRUARY 26, 2008, RESPECTIVELY, IN ORDER TO AMEND THE DESCRIPTIONS OF THE PROJECTS.**

Councilwoman Trelstad read by title and moved to introduce Ordinance 2008-27; Councilman Koontz seconded.

Council President Karcher called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Council President Karcher proclaimed the ordinance introduced with a public hearing scheduled for November 5, 2008.

Council President Karcher read **Agenda Item H, New Business (3) — Introduction and Authorization To Publish: Ordinance 2008-28 AN ORDINANCE CREATING CHAPTER 10A, CONSTRUCTION SITE MAINTENANCE, OF THE CODE OF THE BOROUGH OF PRINCETON NEW JERSEY 1974.**

Councilwoman Trelstad read by title and moved to introduce Ordinance 2008-28; Councilman Goldfarb seconded.

Karen Cayci, Borough Attorney, recommended a language change regarding general liability insurance. Councilman Wilkes stated he had many issues and moved to table the ordinance pending discussion with Public Works on October 16. Councilman Koontz seconded the motion. Council tabled unanimously.

Council President Karcher read **Agenda Item H, New Business (4) — Resolution 2008-R232** as follows:

**RESOLUTION 2008-R232  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AWARDING CONTRACT TO ADIRONDACK CONTRACTING INC.  
FOR DPW GARAGE RENOVATION**

**WHEREAS**, the Borough of Princeton has determined the need for construction services in connection with a project known as Public Works Garage Renovations; and

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

**WHEREAS**, all bid proposals were publically opened on July 22, 2008; and

**WHEREAS**, the Borough received the following bids:



**BE IT FURTHER RESOLVED**, that this resolution is contingent upon the adoption of a companion resolution by the Township Committee of the Township of Princeton approving the award of said contract to Appraisal Systems, Inc. for Option A.

Councilman Koontz moved to approve Resolution 2008-R233, Councilwoman Trelstad seconded. Councilman Goldfarb noted upcoming financial pressures for taxpayers. Councilman Goldfarb suggested inviting tax assessor Neal Snyder and a representative of the contractor to address a joint meeting of Borough and Township in November 2008. Borough Council approved the motion unanimously.

Council President Karcher read **Agenda Item H, New Business (6) — Resolution 2008-R234** as follows:

**RESOLUTION 2008-R234  
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 Arthur R. Thibault, Jr., Esq., of Apruzzese, McDermott, Mastro & Murphy (hereinafter referred to as "Provider") to provide Special Legal Counsel from October\_\_\_\_, 2008 through March 1, 2009, 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 special counsel to the Borough of Princeton to prosecute police disciplinary matters as requested by the Borough

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 at the rate of \$160.00 per hour in an amount not to exceed Ten Thousand Dollars (\$10,000). 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.

Councilman Koontz moved to approve Resolution 2008-R234, Councilman Wilkes seconded, and Borough Council approved unanimously.

Council President Karcher read **Agenda Item H, New Business (7) — Resolution 2008-R235** as follows:

**RESOLUTION 2008-R235  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING A SUBCONTRACT AGREEMENT FOR SUSTAINABLE COMMUNITIES  
IMPLEMENTATION GRANT PROGRAM**

**WHEREAS**, the Mayor and Council of the Borough of Princeton have been advised by the Princeton Regional Planning Director that grant funds are available to the Borough and Township of Princeton to assist *Sustainable Princeton's* participation, education and outreach programs; and

**WHEREAS**, the Borough of Princeton wishes to enter into an agreement with the Township of Princeton and the College of New Jersey and will jointly provide in-kind services matching \$15,000 in grant funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton, the Borough of Princeton is authorized to enter into an agreement with the Township of Princeton and the College of New Jersey the form of which is attached to this Resolution as Exhibit "A"

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute the attached agreement Exhibit "A"

Councilwoman Trelstad moved to approve Resolution 2008-R235, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Council President Karcher read **Agenda Item H, New Business (8) — Resolution 2008-R236** as follows:

**RESOLUTION 2008-R236  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
ENDORING CAPITAL BILLING AND PAYMENT PRACTICE**

**WHEREAS**, the Borough of Princeton and the Township of Princeton have various joint agency agreements to provide for services that benefit both communities; and

**WHEREAS**, the Borough of Princeton and the Township of Princeton both contribute through capital budget funds to support purchases and projects for these municipal joint agencies, and

**WHEREAS**, the Borough of Princeton wishes to initiate a process that streamlines and helps assure that timely billing and payments are made to compensate each other for costs associated with the purchases and projects, and

**WHEREAS**, it has been recommended by the Borough Administration that the Mayor and Council endorse a Capital Billing and Payment Practice; and

**WHEREAS**, the proposed Capital Billing and Payment Practice calls for the following:

1. At the close of every bill list a record of all of the invoices that pertain to joint agency capital ordinances will be made and maintained.
2. Copies of all purchase orders and invoices shall be made and maintained.
3. On or about the tenth of the month a current listing will be prepared and sent to the Township of Princeton along with the copies of the purchase orders and invoices from the preceding month.
4. Payment of invoices is expected within 90 days
5. If payment is not received within 90 days interest will accrue at the average rate of the bonds that were issued to finance the project.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton endorsement and approval of the Capital Billing and Payment Practice noted above for timely billing and payment of capital expenditures between the Borough and Township of Princeton; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Princeton respectfully request Princeton Township Committee endorse a corresponding practice to ensure both administrations are handling billing and collection matters consistently;

A certified true copy of this resolution shall be furnished to the Princeton Township Mayor and Committee.

Councilman Koontz moved to approve Resolution 2008-R236, Councilman Goldfarb seconded. Councilman Koontz endorsed the administrative procedure outlined in the resolution, noting that an ordinance should not be required to accomplish the goals.

Councilman Martindell requested broaching Township with an interlocal agreement to reinforce interest charges as stated in Item 5. He pointed out that past advances of funds to Township have cost Borough a whole tax point (\$100,000).

Council President Karcher called for a vote. Council approved six to zero.

Council President Karcher read **Agenda Item H, New Business (9) — Resolution 2008-R237** as follows:

**RESOLUTION 2008-R237  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING TAX REFUNDS**

WHEREAS, Sandra Webb, 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>
52.01	91		Joseph Maurer & Christine Graziano	55 Aiken Ave.	\$57.85

Due to an overpayment of Improvement Assessment.

**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 CFO, Tax Assessor and Tax Collector.

Councilman Koontz moved to approve Resolution 2008-R237, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Councilman Koontz moved to adjourn. There being no further business, Council President Karcher adjourned the open session meeting at 8:02 P.M.

Respectfully submitted,

**Andrea Lea Quinty**  
**Borough Clerk**