

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
October 28, 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, 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, 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 October 28, 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-R248**, as follows:

**RESOLUTION 2008-R248
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON OCTOBER 28, 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. Negotiations — Princeton Township
3. 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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Council President Karcher moved to approve, Councilman Koontz seconded. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved. To be noted, Councilman Goldfarb objected to Township discussions being held in closed session.

Borough Council recessed into closed session.

At 7:37 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, Approval of Minutes.**

Presented for approval were the minutes of the joint session of December 4, 2007.

Mayor Trotman requested delay of approval so as to review and Council agreed.

Presented for approval were the minutes of the open session of October 14, 2008.

Councilwoman Trelstad moved to approve the minutes of the open session of October 14, 2008, Councilman Koontz seconded, and Council approved unanimously.

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

Mr. Bruschi reported that Council discussed updates on the police disciplinary situation and NHKT mediation. Council may reconvene behind doors to review reappointment issues and Township matters.

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.

Dudley Sipprelle, 375 Nassau Street, noted that Council has power to override Open Public Meetings Act. He wondered what circumstances bar the public from hearing discussions on NHKT and Township. Mr. Bruschi explained that closed discussions concern developing a position for mediation with NHKT; done publicly, NHKT would learn Borough's *position* in advance. Closed discussion with Township is a matter of public policy.

Mr. Sipprelle went on to ask about the police vehicle auction and prices paid. Borough Clerk stated that approximately \$12,000 was received for the vehicles.

In response to NHKT, Councilman Goldfarb stated that the legislature had designated the downtown project neighborhood as "an area in need of development," thereby relieving some bidding and code review requirements. At the end of negotiations with the private contractor, all will be disclosed.

Regarding Township negotiations, Councilman Goldfarb stated topics are public policies and it is “grossly inappropriate to exclude the public from the positions that the Borough and Township are taking.”

Councilman Martindell observed that the relationship between Borough and Township is adversarial and costly for taxpayers of both locales. He said hashing out the relationship’s needs and wants and roads to success must transpire privately so that members can be forthright with each other. Once *negotiating points* have been established, it becomes public policy to be broadcast before the community.

Councilman Goldfarb encouraged the public and the press in attendance at Council meetings to participate whenever invited by Mayor Trotman.

Councilman Martindell vowed to not address Township billing issues until January 2009.

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

Mayor Trotman read **Agenda Item H, Discussion (1) — Request for Easement — 39, 41, 43 Witherspoon (Tsai)**

Christopher Budzinski, Borough Engineer, explained that an approved addition to enclose trash receptacles will encroach on Borough property. Ms. Cayci presented a draft agreement to Council and agreed to change the dollar reference for perpetual insurance. Councilwoman Trelstad pointed out that the enclosure will enhance the appearance of the plaza. The easement agreement will return to Council at a later date.

Mayor Trotman read by title **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2008-23** 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 \$2,385,560 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,270,560 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Council President Karcher moved to adopt Ordinance 2008-23; Councilwoman Trelstad seconded. Mr. Bruschi stated that the debt management plan calls for anticipation notes to be issued at a later date (possibly February 2009). Current projects will be covered by funds on hand. Councilman Martindell asked if Borough has a master plan for parks. Mr. Bruschi responded that anticipated funds are outlined for the maintenance and improvements of Borough Parks but there is not a Borough Master Plan. Council called for Mr. Budzinski to develop a framework for park development, improvement, and maintenance and present it to Parks Alliance.

Mayor Trotman opened the public hearing and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public hearing 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 2008-24** 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 \$ 1,331,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$ 1,266,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Council President Karcher moved to adopt Ordinance 2008-24; Councilwoman Trelstad seconded.

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

Mr. Sipprelle asked about plans to replace gravel at Smoyer Park with pavement. Mr. Bruschi said he will check with Jack Roberts, Recreation Director. Councilman Wilkes noted that compacted crushed gravel and pavement are equally pervious.

Seeing no one further, Mayor Trotman 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 (3) — Public Hearing and Adoption: Ordinance 2008-25** A BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE SPRING STREET PARKING GARAGE IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$31,700 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$31,700 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

Mr. Bruschi explained the contents of the ordinance. Council President Karcher moved to adopt Ordinance 2008-25; Councilman Wilkes seconded.

Councilman Goldfarb listed costs associated with issuing bonds. Mr. Bruschi clarified that Council is authorizing the debt, not incurring it. He stated that all bond ordinances are prepared by bond counsel. Council asked Finance Committee to review bond ordinance practices.

Seeing no one further, Mayor Trotman 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 J, New Business (1) — 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 moved to introduce Ordinance 2008-28; Councilman Wilkes seconded. Councilwoman Trelstad said the ordinance will serve the community well. Councilman Wilkes explained for the public that the ordinance provides a plan for contractors to recycle debris. The ordinance gives Zoning power to discipline construction site organization, maintenance, cleanup, and safety.

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 introduced with a public hearing to be held November 28, 2008.

Mayor Trotman read **Agenda Item J, New Business (2, 3, 4) — Resolution 2008-R249, Resolution 2008-R250, and Resolution 2008-R251** as follows:

**RESOLUTION 2008-R289
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING EXECUTION OF A DEED
OF LOT CONSOLIDATION OF LOTS 9, 10 and 11, Block 13.01
AS SHOWN ON THE PRINCETON BOROUGH TAX MAP
BEING COMMONLY KNOWN AS 100-104 LEIGH AVENUE
NOW TO BE KNOWN AS LOT 9.01, BLOCK 13.01**

WHEREAS, Lots 9, 10 and 11, Block 13.01 (the Lots) as shown on the Princeton Borough Tax Map, commonly known as 100-104 Leigh Avenue, are owned by the Borough of Princeton and are currently under development for affordable housing; and

WHEREAS, the Borough Engineer has recommended to the Mayor and Council that the Lots be consolidated in order to facilitate the development of the Lots for affordable housing;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are authorized to execute the attached deed of lot consolidation and the Borough Attorney is authorized to record same in the Office of the Mercer County Clerk; and

BE IT FURTHER RESOLVED that the consolidated lots shall now have the tax map reference of Lot 9.01, Block 13.01

**RESOLUTION 2008-R250
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 \$5000.00 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Division of Highway Safety-Over Limit**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$5000.00 be and the same is hereby appropriated under the caption of “**State of New Jersey – Division of Highway Safety-Over Limit**”

**RESOLUTION 2008-251
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>
41.01	14.01,	C01	Orley C. & Virginia Ashenfelter	30 Mercer Street	\$1,000.00
41.01	14.02,	C02	Orley C. & Virginia Ashenfelter 30 Mercer Street	32 Mercer Street	\$20.00

Due to an overpayment of 2009 taxes billed.

32.12	1		Queenston Common c/o Ideal Mgmt. 5105 Rt 33-34 Farmingdale, NJ 07727	N. Harrison & Hamilton	\$2,389.95
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Due to an overpayment of 2008 sewer rent.

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.

In reference to Resolution 2008-R249 Mr. Budzinski explained that he initiated a new procedure for consolidating lots—include block and lot designations on the deed.

Councilwoman Trelstad moved to approve Resolution 2008-R249, Resolution 2008-R250, and Resolution 2008-R251. Councilman Koontz seconded. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, Bill List for October 28, 2008 — Resolution 2008-R252** as follows:

**RESOLUTION 2008-R252
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE OCTOBER 28, 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

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WHEREAS, the Borough Clerk has certified that the vouchers listed on the attached register are a follows:

CURRENT ACCOUNT (8-01)	1,802,421.42
RESERVE ACCOUNT (7-01)	407.50
PARKING UTILITY OPERATING FUND (8-05)	11,296.39
PARKING UTILITY OPERATING FUND (7-05)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	851.00
IMPROVEMENT ASSESSMENT (8-11)	
AFFORDABLE HOUSING OPERATING ACCT (7-24)	
CAPITAL ACCOUNT (C-04)	45,914.54
PARKING UTILITY CAPITAL FUND (P-08)	1765.00
ESCROW (E-30)	3270.72
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (5-22)	
MANUAL	678,823.19
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 October 28, 2008 as presented.

Councilman Koontz moved to approve Resolution 2008-R252, Councilwoman Trelstad seconded, and Council approved unanimously.

Councilman Koontz moved to return to closed session to complete the agenda. Council President Karcher seconded. Council agreed six to zero. Council adjourned to closed session at 8:30 P.M.

Council adjourned the meeting at 8:57PM

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk