

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
February 3, 2009
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

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

Absent: Councilwoman Margaret Karcher

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, Borough Police Chief Anthony V. Federico, Lieutenant David Dudeck, Lieutenant Sharon Papp, Lieutenant Nicholas Sutter, Deputy Borough Clerk Delores A. Williams

Mayor Trotman called the meeting to order at 7:01 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 February 3, 2009, 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 2009-R65**, as follows:

**RESOLUTION 2009-R65
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON FEBRUARY 3, 2009**

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 mediation
3. North Ridge

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 Goldfarb moved to approve; Council President Koontz seconded. Council members Koontz, Goldfarb, 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, Approval of Minutes.**

No minutes were submitted for approval.

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

Mr. Bruschi reported that Council reviewed selection of a mediator for the North Ridge dispute. Council also discussed police staffing, personnel, and vacancies. Staff provided Council with a memorandum outlining a negotiating position for NHKT

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.

Council President Koontz brought up a food waste recycling program for Borough or Borough/Township through Princeton Regional Schools. He suggested forming a group of citizens and staff (Engineering) to look at a pilot program.

Councilman Martindell recollected discrepancies between Borough and Township about providing information for the sewer auditor. He stressed the importance of having governing body members and staff members (“key players”) in the same room to determine what is required from whom. Councilman Goldfarb suggested a better remedy is to allow everyone involved access to everyone else. Mayor Trotman resolved that Robert Bruschi, Borough Administrator, and Jim Pascale, Township Administrator, detail in writing to each other exactly what information should be supplied.

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

Mayor Trotman read **Agenda Item H, Report (1) — Mercer County Prosecutor’s Office.**

Mayor Trotman briefly described the history of three Borough police officers, about 10% of the force, having been referred to Mercer County for prosecution. The lengthy, on-going physical and financial impact prompted Mayor Trotman to reach out for procedural advice from the prosecutors.

Mayor Trotman introduced Mercer County Prosecutor Joseph Bocchini, Jr. Mr. Bocchini stated that the process can be time-consuming but is fairly simple. Mr. Bocchini presented Deputy First Assistant Prosecutor Doris Galuchie, who leads police internal affairs investigations throughout the county when there is a criminal element to the case.

Ms. Galuchie explained that, when a police department receives a complaint from a citizen, the complaint is turned over to that department's internal affairs officer—in this case, Lieutenant Nicholas Sutter. After a local investigation, the officer notifies Ms. Galuchie if criminal charges might arise. Next, she normally swears out a complaint for the grand jury. The Borough case was complicated, and Ms. Galuchie went to the grand jury without a complaint (“on information”) for presentation that lasted four months.

Mr. Bocchini stated that when a complaint is signed for a criminal charge, the municipality determines to suspend the officer with or without pay. If with pay, a later conviction permits the municipality to retrieve the money through civil courts. If without pay, a later acquittal can lead to enormous back wages and legal fees owed by the municipality. The prosecutors take no position on the issue of suspension with or without pay.

Ms. Galuchie claimed that they make every effort to be “just and swift.” Mr. Bocchini said they must evaluate every complaint but have discretion regarding presentation to the grand jury. Guidelines for reporting to county prosecutors come from the Attorney General. Ms. Galuchie commented that Lt. Sutter has excellent understanding of the guidelines.

Ms. Galuchie listed circumstances that hindered and prolonged the grand jury presentation. The prosecution portion was complete in September 2008. Subsequent delays involved court scheduling.

While criminal and civil proceedings can legally be pursued in parallel, Ms. Galuchie said that should be avoided—action on the civil side (such as record of witness testimony) could adversely affect the criminal case. In practice, the civil case is stayed in favor of the more serious criminal case.

Mayor Trotman read by title **Agenda Item I, Old Business (1) — Introduction and Authorization To Publish: Ordinance 2009-02, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1 OF “THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974”, REGARDING COLLECTION OF CREDIT CARD FEES**

Karen Cayci, Borough Attorney, stated that language regarding disclosure had been added. Council discussed various credit card structures such as exempting smart card payments and exempting Spring Garage entirely.

Councilwoman Trelstad moved to introduce Ordinance 2009-02; Council President Koontz seconded.

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. Deputy Borough Clerk called the roll. Council members Koontz, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held February 24, 2009.

Mayor Trotman read **Agenda Item J, New Business (1) — Resolution 2009-R66** as follows:

**RESOLUTION 2009-R66
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPOINTING A MUNICIPAL COURT JUDGE**

WHEREAS, the Borough, as required by New Jersey State Statute is to provide for the appointment of a Municipal Court Judge;

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

1. Pursuant to R.S., 2A:8-5, Bonnie L. Goldman is hereby appointed to serve as Municipal Court Judge for a three year term commencing February 1, 2009 through January 31, 2012, the terms of compensation which shall be set forth in accordance with the Borough Ordinances.

Council President Koontz moved to approve Resolution 2009-R66, Councilman Goldfarb seconded, and Borough Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item J, New Business (2, 3, 4, and 5) — Resolutions 2009-R67, 2009-68, 2009-69, and 2009-70** as follows:

**RESOLUTION 2009-R67
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE BOROUGH ENGINEER
TO EXECUTE TREATMENT WORKS APPROVAL APPLICATIONS**

BE IT RESOLVED by the Mayor and Council of the Borough of Princeton hereby authorizes Christopher M. Budzinski, Borough Engineer, to execute certification of consent by the governing body on Treatment Works Approval Applications as part of any development submission to NJDEP for sewer extension, upon determination by the Borough Engineer that the proposed sewer extension conforms with the requirements and conditions of all municipal ordinances, resolutions and regulations and otherwise should be approved consistent with the health, safety and welfare of the Princeton community.

**RESOLUTION 2009-R68
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR PROFESSIONAL SERVICES
TO VAN CLEEF ENGINEERING ASSOCIATES
FOR INSPECTION OF SANITARY SEWER REHABILITATION PROJECTS**

WHEREAS, the Mayor and Council of the Borough of Princeton has a need to acquire professional engineering services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44A-20.5*; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

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

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WHEREAS, the anticipated term of this contract is one year; beginning January 1, 2009 to December 31, 2009; and

WHEREAS, Van Cleef Engineering Associates has submitted a proposal dated January 28, 2009 indicating they will provide services and other related duties as follows:

With respect 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. The services are further described in the attached Exhibit A.

WHEREAS, 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 the law. The Agreement shall be effective from January 1, 2009 to December 31, 2009.

WHEREAS, the Borough shall pay the Provider an amount not to exceed Seventy-five Thousand Dollars (\$75,000.00) in accordance with a rate schedule, a copy of which is attached to the Professional Services Agreement; and

WHEREAS, Van Cleef Engineering Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Van Cleef Engineering Associates has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit Van Cleef Engineering Associates from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that funds are available under Current Account No. C-04-07-018-399 (Ordinance # 07-18, Sewer Trust); and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with Van Cleef Engineering Associates as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

**RESOLUTION 2009-R69
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AMENDMENT
OF A NON-FAIR AND OPEN CONTRACT
FOR PROFESSIONAL SERVICES
TO VAN CLEEF ENGINEERING ASSOCIATES
FOR INSPECTION OF SANITARY SEWER REHABILITATION PROJECTS**

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 March 25, 2008, and previously amended on September 23, 2008.

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 \$16,268.00 (funds are available and shall be drawn from C-04-06-015-313, Ordinance 2006-15 Sewer Rehabilitation Township Roads).

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 2009-R70
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
BRYN MAWR-WELLESLEY PLANNING COMMITTEE**

WHEREAS, The Bryn Mawr-Wellesley wishes to increase public awareness of their book sale event to be held on 2009; and

WHEREAS, The Bryn Mawr-Wellesley has requested permission to install a banner over Washington Road to announce their book sale event and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning **Monday March 23rd through Monday, March 30, 2009; and**

WHEREAS, this banner will be promptly removed after its 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 banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

Council President Koontz moved to approve Resolutions 2009-R67, 2009-R68, 2009-R69, and 2009-R70. Councilman Wilkes seconded. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (6) — Resolution 2009-R71** as follows:

**RESOLUTION 2009-R71
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
COMMUNITY OPTIONS ENTERPRISES, INC.**

WHEREAS, The Community Options Enterprises, Inc. is a non profit organization that supports individuals with disabilities and wishes to increase public awareness of the 5K Run/Walk a major fund raising event to be held on February 14, 2009; and

WHEREAS, The Community Options Enterprises, Inc. has requested permission to install a banner over Washington Road to announce this fundraising event and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements

set forth are met for the period beginning **Monday February 9th through Monday, February 16th, 2009;**
and

WHEREAS, this banner will be promptly removed after its 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 banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

Council President Koontz moved to approve Resolution 2009-R71 and Councilwoman Trelstad seconded. Council approved four to zero, with Councilman Wilkes abstaining.

Mayor Trotman read **Agenda Item J, New Business (7) — Resolution 2009-R72** as follows:

**RESOLUTION 2009-R72
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A MOTION PICTURE THEATRE LICENSE
APPLICATION FOR THE GARDEN THEATRE FOR THE PERIOD OF
JANUARY 1, 2009 THROUGH DECEMBER 31, 2009**

WHEREAS, The Garden Theatre, Inc. located at 160 Nassau Street, Princeton, NJ with a corporate address of 11 Kipp Avenue, Lodi, New Jersey has applied for a license to operate two auditoriums as required by Borough Ordinance 5-29; and

WHEREAS, in accordance with Borough Ordinance 5-30 the applicant has submitted an application in writing requesting that the Council approve their application for the use as a movie theatre; and

WHEREAS, in accordance with Borough Ordinance 5-32 the Garden Theatre, Inc., has submitted the proper fee in the amount of \$500 for each auditorium totaling \$1,000; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve the request of The Garden Theatre, Inc., to operate two auditoriums within the theatre located at 160 Nassau Street for the period of January 1 through December 31, 2009.

Council President Koontz moved to approve Resolution 2009-R72 and Councilwoman Trelstad seconded. Hearing no discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion passed.

Mayor Trotman read **Agenda Item J, New Business (8) — Resolution 2009-R73** as follows:

**RESOLUTION 2009-R73
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE 2009 COMMITTEE APPOINTMENT
FOR A FOUR YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a four year term as follows:

ZONING BOARD OF ADJUSTMENT

Russ E. McFarlan

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

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Councilwoman Trelstad moved to approve Resolution 2009-R73, Councilman Martindell seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, Bill List for February 3, 2009 — Resolution 2009-R74** as follows:

**RESOLUTION 2009-R74
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE FEBRUARY 3, 2009 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 (9-01)	26,126.97
RESERVE ACCOUNT (8-01)	11,302.85
PARKING UTILITY OPERATING FUND (9-05)	1,406.82
PARKING UTILITY OPERATING FUND (8-05)	18,417.10
AFFORDABLE HOUSING OPERATING ACCT (9-24)	462.00
IMPROVEMENT ASSESSMENT (9-11)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	
CAPITAL ACCOUNT (C-04)	363,066.97
PARKING UTILITY CAPITAL FUND (P-08)	
ESCROW (E-30)	
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (9-22)	
MANUAL	2,846,316.23
ASSESSMENT TRUST FUND (9-11)	
GRANT (G-02)	16,917.00

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of February 3, 2009 as presented.

Council President Koontz moved to approve Resolution 2009-R74, Councilwoman Trelstad seconded, and Council approved unanimously.

Ms. Cayci asked Council to reenter closed session for five minutes to discuss one aspect of North Ridge.

Council President Koontz moved to adjourn to closed session to discuss North Ridge; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:10 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk