

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
February 10, 2009
Regular Meeting
Closed Session 6:30 P.M.
Open Session 7:30 P.M.**

Present: Council President Andrew Koontz, Councilman David Goldfarb, Councilwoman Margaret Karcher, 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, Chief Finance Officer Sandra L. Webb, former Borough Engineer Carl E. Peters, 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 February 10, 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-R75**, as follows:

**RESOLUTION 2009-R75
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON FEBRUARY 10, 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. Negotiations — NHKT
2. 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.

February 10, 2009

Councilman Goldfarb moved to approve; Councilwoman Trelstad seconded. Council members Koontz, Goldfarb, Karcher, 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.**

Presented for approval were the minutes of the open session of January 13, 2009.

Councilwoman Trelstad moved to approve the minutes of the open session of January 13, 2009, Councilman Goldfarb 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 reviewed position statements for upcoming NHKT mediation. Staff presented status report on personnel issues and Princeton Township regarding North Ridge.

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.

Victor Federov, 68 Laurel Road, mentioned his 2004 suit against Borough about the tenth amendment reserving to states powers not given to the Federal government. He extrapolated that the Founders intended free assembly to be the forum for the people to exercise their powers.

Councilman Martindell questioned the status of payments due from Township on capital accounts. Mr. Bruschi said that staff is reviewing Township's questions and will meet with Township next week.

Councilman Goldfarb suggested Council provide a financial report to the public after mediation with NHKT.

Mayor Trotman issued a joint proclamation with Princeton Township Mayor Miller in honor of Black History month. She read the proclamation into the record. Mr. James Floyd thanked Mayor Trotman.

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

Mayor Trotman read **Agenda Item H, Report (1) — Monthly Police Report — Lt. Nicholas Sutter.**

**RESOLUTION 2009-R76
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 December 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 December 2008 Monthly police report prepared by the Chief of Police.

Lt. Sutter spoke of 10 visits to the University over a 36-hour period during Bicker for intoxicated or disorderly individuals.

Council President Koontz moved to accept the police report and Councilman Wilkes seconded. Mayor Trotman proclaimed the motion carried.

Mayor Trotman read by title **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2009- 01, AN ORDINANCE AMENDING CHAPTER 17A OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING EXEMPTIONS, DEFINITIONS AND LIGHTING.**

Christopher Budzinski, Borough Engineer, announced that Planning Board had tabled the ordinance, leaving Council with no action today. Upcoming revisions will require re-introduction at a later date. Council President Koontz moved to table Ordinance 2009-01; Councilwoman Trelstad seconded. Mayor Trotman proclaimed the ordinance tabled.

Mayor Trotman read by title **Agenda Item J, New Business (1) — Introduction and Order to Publish: Ordinance 2009-03, AN ORDINANCE REPEALING AND REPLACING CHAPTER 19 OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING MOTOR VEHICLES AND TRAFFIC.**

Councilman Goldfarb moved to introduce Ordinance 2009-03; Councilwoman Trelstad 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. Borough Clerk called the roll. Council members Koontz, Goldfarb, Karcher, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for February 24, 2009.

Mayor Trotman read by title **Agenda Item J, New Business (2) — Introduction and Authorization To Publish Ordinance 2009-04, AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLES III, IV AND V OF CHAPTER 14 “FIRE” OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974**

Mr. Bruschi noted that the ordinance expands the volunteer classification to include University employees as Associate Members. There was some discussion regarding a portion of the ordinance relating to time allowed for mandated training requirements. Mr. Bruschi commented

that he would check the current ordinance on this matter and that the ordinance could be reintroduced if necessary.

Councilman Goldfarb moved to introduce Ordinance 2009-04; Councilwoman Trelstad 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. Borough Clerk called the roll. Council members Koontz, Goldfarb, Karcher, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced.

Mayor Trotman read **Agenda Item J, New Business (3 – 7) — Resolutions 2009-R77, 2009-R78, 2009-R79, 2009-R80, and 2009-R81, as follows:**

**RESOLUTION 2009-R77
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES
IN CONNECTION WITH CAPITAL PROJECT 09-01**

WHEREAS, the Borough wishes to enter into an agreement as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-20.5 with Maser Consulting, P.A., (the “Provider”) for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

WHEREAS, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider 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 the Provider from making any reportable contributions through the terms of the contract, 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 professional services which are exempt from public bidding under the Local Public Contracts Law. N.J.S.A. 40A:11-1 et seq., and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for Surveying services for preparation of base mapping for sanitary and storm sewer rehabilitation, Capital Project 09-01, for a total fee not to exceed five thousand eight hundred dollars (\$5,800.00).

1. 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.

2. 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.

3. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

4. 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 2009-R78
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., O'Donnell, McCord & DeMarzo, PC (hereinafter referred to as "Provider") to provide Special Legal Counsel from January 1, 2009 through December 31, 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 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, N.J.S.A. 40:55D-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 2009-R79
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 Allen D. Porter, Esq., Porter, Muller & Gaynor, LLP (hereinafter referred to as "Provider") to provide Special Legal Counsel from January 1, 2009 through December 31, 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 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, NJSA 40:55D-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 \$195.00 per hour; Matters of Litigation: \$200.00 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 2009-R80
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
TO EXECUTE AN AGREEMENT FOR CONTINUED
PARTICIPATION IN THE HOME INVESTMENTS
PARTNERSHIPS PROGRAM CONSORTIUM
WITH THE COUNTY OF MERCER**

Whereas, the HOME Investment Partnerships Program seeks to expand the supply of decent and affordable housing, particularly rental housing, for low and very low income Americans; and,

Whereas, the HOME Investment Partnerships Program seeks to strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing; and,

Whereas, the HOME Investment Partnerships Program seeks to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and nonprofit organizations, in the production and operation of affordable housing; and,

Whereas, the HOME Investment Partnerships Program provides state and local governments with the flexibility to decide what kind of housing assistance, is most appropriate for meeting their housing needs; and,

Whereas, the HOME Investment Partnerships Program encourages state and local governments to use HOME funds efficiently and to undertake the most cost-efficient housing activities requiring the smallest state and local matching contributions for Federal funds; and,

Whereas, in order to qualify for funding under this program, a municipality or consortium of municipalities must have a minimum 'critical housing need' of \$500,000.00; and,

Whereas, the City of Trenton is the only municipality within Mercer County eligible, on an independent basis for HOME Investment Partnerships Program funds; and,

Whereas, the remaining Mercer County municipalities interested in participating in the HOME Investment Partnerships Program must pool together into a consortium to be eligible for finding; and,

Whereas, there is no cost to municipalities to participate in the Mercer County HOME Investment Partnerships Program Consortium, aside from the required matching funds for any project a municipality may undertake; and,

Whereas, the Mercer County HOME Investment Partnerships Program Consortium would be a source of funding for a project the Borough of Princeton may undertake in its own affordable housing program without requiring the Borough of Princeton to undertake any specific projects; and,

Whereas, participation by the Borough of Princeton in the Mercer County HOME Investment Partnerships Program Consortium would be beneficial to its relations with other Mercer County municipalities, as a whole, meet the eligibility requirements for participation in the HOME Investment Partnerships Program; now,

Therefore *Be It Resolved*, participation in the Mercer County HOME Investment Partnerships Program Consortium is hereby endorsed; and,

Be It Further Resolved, that the Mayor and the Municipal Clerk are hereby authorized and directed to execute said Mercer County HOME Investment Partnerships Program Consortium Agreement.

**RESOLUTION 2009-R81
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AMENDING THE 2009 COMMITTEE APPOINTMENT**

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

HISTORIC PRESERVATION REVIEW:

Nora Kerr	(unexpired term through 01-01-2011)
Carolyn Robertson	(Alternate #1 through 01-02-2011)

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

Council President Koontz moved to approve Resolutions 2009-R77, 2009-R78, 2009-R79, 2009-R80, and 2009-R81; Councilman Martindell seconded; Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, Discussion (1) — 2009 Budget** — *Robert W. Bruschi, Borough Administrator; Sandra Webb, Chief Finance Officer.*

Mr. Bruschi repeated the goal to design a 2009 budget that would incorporate zero property tax increase. He highlighted:

Tier 1 — \$1,014,000

- Reduce *other expenses* by 5%—every department except Suzanne Patterson Center (who would take over Crosstown)
- Reassign Human Services programs (volunteer commission to continue to guide and recommend policy)
- Reduce Public Works/Parking, Administration and sick time trust through vacancies and layoffs
- Garage permit parking
- Capital surplus to offset debt service

Tier 2 — \$224,000

- Reduce Finance, Tax, and Engineering salaries
- Increase parking fines

Tier 3 — \$116,000

- Reduce Health salaries
- Increase Sunday charges at the garage

Tier 4 — \$187,000

- Reduce Court, Inspection, and Health salaries
- Extend parking hours

Administration recommends Council endorse Tiers 1 and 2 to achieve a three-cent tax increase (average \$105 per residence).

Combined Borough/Township staff and Finance Committees meetings will be held in near future to determine savings for joint endeavors. Still unknown is impact of state aid.

Mr. Bruschi emphasized that *every* operating budget funded by Borough, including joint agencies managed by Township, will be cut 5%.

Councilwoman Trelstad asked about Hulfish North, leaf collection, and employee furloughs. Mr. Bruschi replied that Hulfish North revenue is unlikely for 2009. Staff evaluated furloughing and found the savings small. Any Building C revenue will appear through the parking utility.

Mr. Bruschi stated that specific salary changes (layoffs) will be gone over in closed session meetings.

Council members Martindell, Goldfarb, and Wilkes supported Sunday and evening parking fees—both streets and garage. Lt. Sutter recommended increasing meter enforcement from two to three employees for broader, staggered coverage. Councilman Wilkes favored permit parking on the top level of the garage.

Wendy Kaczerski, 35 Chestnut Street, Chair of the Princeton Environmental Commission (PEC), asked Council to maintain PEC's 2008 budget (Borough's contribution = \$3,500 for clerical support and public outreach). She listed some of the extensive activities of the volunteer group. Ms. Kaczerski urged Council to move forward with the sustainability plan (described to Council and Township Committee on January 27, 2008) as follows:

1. Green municipal ordinances
2. Green building task force
3. Food waste composting pilot program
4. Environmentally preferred purchasing plan

5. Monitor “green things” for measurements and indicators

Matt Wasserman, Township resident, spoke in favor of PEC budget.

Councilwoman Trelstad commended PEC for leading the community in ways that save money; she recommended sparing PEC from the budget cutting.

Pam Machold, 713 Prospect Avenue in the Township, emphasized the grants that PEC obtained—\$90,000 in 2007/08. Princeton needs a dedicated commission to work on grant research and applications.

Steve Schultz, 82 Spruce Street, noted, when cutting garbage collection, it is good to have a partner on the environmental side for leadership toward sustainability.

Jack Roberts, Recreation Department Director, commented on increased demand for public recreation during an economic crisis—“staycations” more a reality than ever before. Recreation has already published its 2009 fees and will not have funds to offset a budget reduction. He mentioned \$140,000 for Harrison Park improvement that is before Joint Recreation Board.

Councilman Wilkes asked Mr. Roberts about Recreation Department uncompensated time in 2008 (946 hours = 135 days of extra labor by the professional workforce): (1) How was it tracked, and (2) how can we translate the philosophy to other departments?

Mr. Roberts replied that “it goes with the territory”—evening and weekend projects must be staffed. His thrust was that Recreation is not equipped to assume the employment program from Human Services. Mr. Roberts stated that raising recreation fees in this climate sends the wrong message.

Mr. Bruschi suggested staff prepare ordinances for budgets 100% under Borough control for Council’s next *regular* meeting, February 24, 2009. Council agreed to cancel special budget meeting on February 12.

Council President Koontz moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:21 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk