

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
June 9, 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 (*arrived 7:03 P.M.*), 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, Chief Finance Officer Sandra L. Webb, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:00PM. 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 June 9, 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-R170**, as follows:

**RESOLUTION 2009-R170
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON JUNE 9, 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 — Hamilton Avenue Condo Association
2. Personnel – Human Services
3. Personnel – Council Absence
4. 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 Koontz moved to approve; Councilman Wilkes seconded. Council members Koontz, Goldfarb, Martindell 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 May 12, 2009.

Councilwoman Trelstad moved to approve the minutes of the open session of May 12, 2009, Councilman Wilkes seconded, and Council approved unanimously.

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.

Jenny Crumiller, Library Place, mentioned that she plans to pursue a campaign point to launch a citizen group to capitalize on financial expertise in the community.

Jack Morrison, One Cleveland Lane, reported nearly 7,000 signatures on the petition drive to maintain vitality of central business district.

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

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

Chief Federico commended police personnel for an outstanding job while short staffed. He explained that MAGLOCLLEN is an organization that provides technical and specialized assistance to the department. A component of membership is attendance at the annual conference as the group's guest; annual dues are a few hundred dollars. Chief Federico attributed drop in meter numbers to removal of Tulane lot (parkers now using garage where there are no fines) and prolonged closing of Paul Robeson Place for underground work.

Councilman Wilkes moved to accept the police report, Councilwoman Trelstad seconded, and Council accepted unanimously.

Mayor Trotman read by title **Agenda Item H, Old Business (1) — Public Hearing and Adoption: Ordinance 2009-16 — BOND ORDINANCE PROVIDING FOR IMPROVEMENT TO HARRIET DRIVE IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND**

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AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Councilman Goldfarb moved to adopt Ordinance 2009-16; Councilman Wilkes seconded.

Christopher Budzinski, Borough Engineer, explained that the ordinance covers the non-sewer costs of the Harriet Drive construction project. Delivery of bids expected in two weeks. He noted that accompanying ordinance for Harriet sidewalks includes a “deduct alternate” if Borough decides not to install.

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

Kathy Elish, 422 Nassau Street with frontage on Harriet, wondered why Harriet, with low foot traffic, needs sidewalks.

Ellen Gertel, Harriet Drive, had concerns about trees as related to sewers, resurfacing, and sidewalks. Mr. Budzinski replied that Engineering conducted a survey of the health of all trees in the neighborhood. Digging of trenches for sewer laterals might present limited damage to roots within four feet of the curb. (Laterals to houses are cleared completely underground.) Mr. Budzinski said Borough always makes every effort to save trees.

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 Koontz, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item H, Old Business (2) — Public Hearing and Adoption: Ordinance 2009-18 –BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$20,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.**

Council President Koontz moved to adopt Ordinance 2009-18; Councilwoman Trelstad seconded.

Councilman Goldfarb stated that sidewalks are part of a network amenity connecting walkways throughout town. He claimed that presence of sidewalks leads to presence of walkers. Councilwoman Trelstad seconded Councilman Goldfarb’s thought, remembering her personal experience when sidewalks were installed on Cleveland Lane.

Mr. Budzinski said Borough is proposing a sidewalk on the west side only (steep slopes on east side) by narrowing the roadway from 30 feet to 28 feet. The sidewalk will be located from the edge of the curb four feet in toward the property with a 30-inch grass strip. Sidewalk will be

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“mooned” around trees, with grass verge reduced to zero if necessary and roots preserved as much as possible. Owners on both sides of the street will be assessed according to pro-rata frontage consistent with Borough policy.

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

Ms. Elish was worried about safety at the intersection of Harriet and Nassau (especially during rush hours) where there is no traffic light. Mr. Budzinski did not believe the intersection meets the technical warrants for a traffic signal; he suggested petitioning New Jersey Department of Transportation for a crosswalk.

Ms. Elish was also troubled that narrowing the roadway would make turns more difficult and dangerous. Mayor Trotman offered to examine Ms. Elish’s issues with the traffic commissioner.

Ben Glasson, 416 Nassau Street on the corner of Harriet, agreed that Harriet is busy when commuters cut through to avoid congestion on Snowden and Harrison. He stated school children walk and cycle on Harriet—usually on the pavement—and Jewish center activities generate pedestrians. Mr. Glasson spoke in favor of a sidewalk on Harriet to separate pedestrians from cars.

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 Koontz, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item H, Old Business (3) — Public Hearing and Adoption: Ordinance 2009-17 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A.40A:45.14 IN THE BOROUGH OF PRINCETON, NEW JERSEY.**

Councilman Goldfarb moved to adopt Ordinance 2009-17; Councilwoman Trelstad seconded.

Sandra Webb, Chief Finance Officer, explained New Jersey’s policy on municipal budget inside caps. Councilman Goldfarb said that adopting the ordinance provides future financial flexibility.

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, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item H, Old Business (4) — Public Hearing and Adoption: 2009 BOROUGH OF PRINCETON MUNICIPAL BUDGET.**

Mr. Bruschi reiterated Council's goals for 2009 budget and profiled anticipated expenses and revenues. He strongly urged Council to accept the budget promptly in order to distribute tax bills on time.

Ms. Webb described elements of Council's mission for staff to achieve zero tax increase. Ms. Webb indicated that staff will begin preparation of a 2010 draft budget immediately upon approval of 2009 so that Council can peek into the future for debt management planning. Adoption without amendment will result in a tax rate of \$1.03.

Mayor Trotman asked about timing of bargaining unit contracts. "We are in it," Mr. Bruschi said, referring to ongoing negotiations with all three unions.

Councilman Goldfarb commented on discrepancies in the total budget of \$25 million

- joint agencies hosted by Borough presented at 100% of cost
- joint agencies hosted by Township presented at Borough's share
- parking utility expenditure not included
- affordable housing utility expenditure not included
- pension (contributions statewide inadequate for promised payout) and healthcare accruals not included.

Councilman Martindell stated that Council planned in 2004 to budget on a two-year cycle. Mr. Bruschi responded that current information is too preliminary—so many unknowns this year—to forecast 2010. He predicted policy decisions to be made July/August 2009 will provide more comfortable assumptions. Mr. Bruschi was convinced that 0 tax increase 2009 budget decision already made will hurt taxpayers in 2010.

Mr. Bruschi mentioned the judgment call of substituting fund balance for tax increase in 2009. Council went on to discuss historical choices in the surplus (operating and capital) versus tax increase debate. Mr. Bruschi concluded that Borough is in good shape regarding surplus.

Councilman Goldfarb distinguished between "raiding" the surplus and not building it.

Councilman Martindell encouraged shopkeepers in the audience work with staff to maximize use of Spring garage.

Council President Koontz remembered 2004 when low construction code revenues meant depletion of surplus and left Council with no flexibility and "no where to turn but property taxes." He noted that revenue sources (in particular, construction code) are unstable. Council President Koontz feared that going for the headline will backfire with forthcoming tax increases *hidden* in *this* budget.

Councilman Goldfarb countered that 2004 bond decisions resulted in extremely favorable interest rates, which Borough continues to enjoy today.

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Councilman Wilkes questioned 2009 construction code income to date. Ms. Webb answered that Borough is ahead of budget.

Councilman Martindell commented that zero tax increase is a political choice as well as an economic one—not a headline, but a sea change in performance of Borough government.

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

Hank Segal, resident of Boudinot Street and a downtown merchant, spoke of the challenge to storekeepers to drastically cut expenses. Their first approach was to look at fringes (overtime, meals for entertainment and meetings, and so forth). He pointed to large amounts for overtime throughout Public Works. Mr. Segal suggested Borough stop feeding people at meetings and renegotiate its medical contract. He offered his personal assistance to staff in the budget process.

Councilwoman Trelstad observed that removing overtime from Public Works could result in dire consequences—no snow removal, for example. Public Works Committee members reduced costs by brown-bagging their own lunches. Councilwoman Trelstad opined that 2009 was the most thorough and careful budget process; continuing the practice should lead to lean results for the upcoming years.

Mr. Bruschi clarified that most Public Works overtime is actually *extra* time—part time employees asked to put in more hours than routinely scheduled.

Henry Landau, Nassau Street merchant, presented a budget spreadsheet comparing 2009 with 2007; it showed decrease in salaries but comparable increase in expenses. (Specifically, Mr. Landau asked (1) has Borough recently renegotiated its telephone costs; (2) do five people from the same department need to attend the same convention; (3) what is the undocumented \$160,000 in meter maintenance?) Mr. Landau recommended examination of every line with the fresh eyes of local business people such as Hank Segal and himself.

On an unrelated matter, Mr. Landau requested plain-English agenda subtitles for ordinances and resolutions.

Bill Howard, Nassau Street, said, when his carrier raised co-pay from \$10 to \$35, doctor visits went down 30%.

Councilman Martindell expressed hope that, with 2009 budget tightening experience and help from townsfolk and merchants, 2010 will have an even better budget.

Seeing no one further, Mayor Trotman closed the public discussion and returned to Council. Councilman Goldfarb moved to adopt 2009 Borough of Princeton Municipal Budget; Councilwoman Trelstad seconded. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Council President Koontz voted nay. Mayor Trotman proclaimed the ordinance adopted four to one.

Mayor Trotman read by title **Agenda Item I, New Business (1) — Introduction and Order to Publish: Ordinance 2009-19 BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$2,350,000 FOR THE REHABILITATION OF THE SEWER SYSTEM IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,350,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

Councilman Goldfarb moved to introduce Ordinance 2009-19; Councilwoman Trelstad seconded.

Councilman Goldfarb stated that Ordinance 2009-19 and Resolution 2009-172 are components of an application to the Environmental Infrastructure Trust (EIT) to receive 50% refund of principal from EIT. He strongly supported the application to EIT.

Councilman Martindell asked about Township participation. Councilman Goldfarb believed each municipality bonded its own projects (as opposed to management and operating costs, which are shared).

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, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held June 23, 2009.

Mayor Trotman read **Agenda Item I, New Business (2 – 5) — Resolutions 2009-R172, 2009-R173, 2009-R174, and 2009-R175** as follows:

**RESOLUTION 2009-R172
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
MAKING APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A.40A:2-26(e) AND N.J.S.A. 58:11B-9(a)**

WHEREAS, the Borough of Princeton (the “Borough”) desires to make application to the Local Finance Board for:

- (a) the approval of the proposed financing through the 2009 New Jersey Environmental Infrastructure Trust Financing Program for the rehabilitation of the sewer system throughout the Borough;
- (b) the approval of a non-conforming maturity schedule in connection with such proposed finance.

WHEREAS, Borough believes that:

- (a) it is in the public interest to accomplish such purpose;

(b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;

(c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;

(d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY BOROUGH COUNCIL AS FOLLOWS:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel and financial advisor, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of the proposed ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey Statute.

**STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES
LOCAL FINANCE BOARD
APPLICATION CERTIFICATION**

APPLICANT'S NAME: BOROUGH OF PRINCETON

I, MILDRED T. TROTMAN, MAYOR OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY DO HEREBY DECLARE:

That the documents submitted herewith and the statements contained herein are true to the best of my knowledge and belief; and

That this application was considered and its submission to the Local Finance Board approved by the governing body of the Borough on June 9, 2009; and

That the governing body of the Borough has notified each participating local unit of its submission of this application to the Local Finance Board and has made available to each, a true copy of this application.

**RESOLUTION 2009-R173
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
YWCA PRINCETON**

WHEREAS, The Princeton Family YMCA is planning the "ETS Firecracker 5K Run/Walk" to be held June 23, 2009; and

WHEREAS, The Princeton Family YMCA has requested permission to install a banner over Washington Road in Princeton with approval of the Office of Community and State Affairs at Princeton University beginning Monday, June 8 through Monday, June 15, 2009 to inform the public of the Firecracker 5K Run/Walk; 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.

**RESOLUTION 2009-R174
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

WHEREAS, pursuant to N.J.S.A. 40A:16-3(g), the absence of a governing body member from meetings of the governing body shall be excused if due to legitimate illness; and

WHEREAS, Council Member Margaret Karcher has been unable to attend Borough Council meetings due to legitimate illness; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Princeton pursuant to N.J.S.A. 40A:16-3 (g) that the absence of Council Member Margaret Karcher from meetings of the governing body is excused due to legitimate illness.

**RESOLUTION 2009 – R175
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING THE CONTRACT KNOWN AS
“REHABILITATION OF SANITARY SEWERS AND LATERALS
- ROSS STEVENSON CIRCLE (CONTRACT # PSOC – 09 - 08)”
TO INTEGRATED CONSTRUCTION & UTILITIES, LLC**

WHEREAS, the Princeton Sewer Operating Committee (PSOC) has advised the Mayor and Borough Council of the need for the rehabilitation of sanitary sewers and laterals in the Ross Stevenson Circle sanitary sewer service area; and

WHEREAS, a contract known as “ Rehabilitation of Sanitary Sewers and Lateral – Ross Stevenson Circle, Contract # PSOC – 08 - 09,” for said services was put out to public bid, the bids being received and opened on June 2, 2009; and

WHEREAS, the Borough received the following bids in connection with said contract:

- Integrated Construction & Utilities, LLC, Edison, New Jersey in the amount of \$114,369.21
- CRJ Contracting, Plainfield, New Jersey in the amount of \$149,066.25
- Top Line Construction Corp., Somerville, New Jersey in the amount of \$211,758.50
- Marvec Construction Company, Verona, New Jersey in the amount of \$229,722.22
- Montana Construction, Lodi, New Jersey in the amount of \$474,560.00.

WHEREAS, the PSOC staff and the Borough Attorney have reviewed this bid and determined that the bid submitted by Integrated Construction & Utilities, LLC is a responsible bid and is within the Engineer’s Estimate for this project; and

WHEREAS, the New Jersey Department of Environmental Protection’s Bureau of Administration & Management’s Construction Control Section (Division of Water Quality, Municipal Finance & Construction Element) is currently reviewing the bid and other post bid documentation in accordance with the requirements of the New Jersey Environmental Infrastructure Financing Program (NJEIFP); and

WHEREAS, monies are available for said project through Ordinance 2005-14, Rehabilitation of Sewer System.

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

1. That the contract for the project known as “Rehabilitation of Sanitary Sewers and Laterals – Ross Stevenson Circle, Contract # PSOC – 08 - 09” is awarded, conditioned upon the authorization of the New Jersey Department of Environmental Protection, to Integrated Construction & Utilities, LLC, Edison, New Jersey, in the bid amount of \$114,369.21.
2. The Mayor and Clerk are hereby authorized to execute a contract with Integrated Construction & Utilities, LLC, Edison, New Jersey in a form substantially similar to the agreement attached hereto.

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Council President Koontz moved to approve Resolutions 2009-R172, 2009-R173, 2009-R174, and 2009-R175; Councilman Goldfarb seconded; Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, Bill List for June 9, 2009 — Resolution 2009-R176** as follows:

**RESOLUTION 2009-R176
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE JUNE 9, 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 as follows:

CURRENT ACCOUNT (9-01)	83,967.84
RESERVE ACCOUNT (8-01)	27,720.99
PARKING UTILITY OPERATING FUND (9-05)	15,136.59
PARKING UTILITY OPERATING FUND (8-05)	912.50
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
IMPROVEMENT ASSESSMENT (9-11)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	
CAPITAL ACCOUNT (C-04)	46,254.76
PARKING UTILITY CAPITAL FUND (P-08)	10,969.31
ESCROW (E-30)	862.50
TRUST FUND (T-13)	300.00
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (9-22)	
MANUAL	2,302,216.30
ASSESSMENT TRUST FUND (9-11)	
GRANT (G-02)	1,747.24

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of June 9, 2009 as presented.

Council President Koontz moved to approve Resolution 2009-R176, Councilwoman Trelstad seconded, and Council approved unanimously.

Council President Koontz moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 9:31 P.M.

Respectfully submitted,

**Andrea Lea Quinty
Borough Clerk**