

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
October 27, 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 Police Lieutenant David Dudeck, 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 27, 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-R291**, as follows:

**RESOLUTION 2009-R291
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON OCTOBER 27, 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. Personnel

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 Goldfarb 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 7:40 P.M. Council reconvened into open session.

Councilwoman Karcher excused herself at 7:40 P.M. and returned to the chamber at 7:45 P.M.

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 October 6, 2009.

Councilman Goldfarb moved to approve the minutes of the open session of October 6, 2009, and Council President Koontz seconded. Council President Koontz hoped to clarify for the public that the wading pool has “zero depth entry” and not a sandy beach. Council approved five to zero, with Councilwoman Karcher abstaining.

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.

There were no public presentations.

Mayor Trotman read **Agenda Item G, Correspondence — Remedy of Court Decision: Homes of Hope v. Township of Easthampton – East Windsor Township Mayor Janice Mironov.**

Borough Attorney Karen Cayci stated that applicant, Homes of Hope, sought a use variance to construct eight affordable housing units (100% affordable) in a non-multiple housing zone. Appellate Division ruled that new housing built after COAH obligations have been met is “inherently beneficial.” She mentioned concern that communities are vulnerable to lawsuits challenging rejection of a use variance. Ms. Cayci said East Windsor is seeking endorsement from Princeton Borough of their petition to State of New Jersey to overrule.

Mayor Trotman wondered how “inherently beneficial” is determined.

Ms. Cayci explained that neither the Fair Housing Act nor the Municipal Land Use Law addresses the situation in which a town has met its affordable requirement and does not want to approve a use variance for more affordable units. The court believed that affordable housing *is always* inherently beneficial; the dispute is for the legislature to resolve.

Councilman Goldfarb noted that the proposed project was *privately* sponsored and funded. He did not support encouraging the legislature to invalidate the decision. Councilman Goldfarb

stated that this is not builder's remedy: Builder's remedy is directed toward towns that do not participate in or comply with COAH programs (mixture of market and affordable housing). Councilman Wilkes heartily agreed to support private affordable construction.

Council President Koontz moved to "receive" the correspondence from East Windsor with no action to be taken. Mayor Trotman undertook to respond to Mayor Mironov.

Mayor Trotman read Agenda Item H, Report (1) — Citizen Finance Advocacy Taskforce (CFAT).

Jo Butler, 18 Hibben Road, presented the CFAT charter and described the organization as a "group of taxpayers and merchants who came together in frustration at the end of last year's budgeting process when Council chose to raise parking rates to close the budget gap." CFAT's goal is to increase the transparency of the budget and budgeting process. Ms. Butler asked that her statement before Council be included in the meeting's minutes. Contact CFAT at cfatprinceton.com

Comments on Citizen Finance Advocacy Taskforce

I would like to thank the Mayor and Boro council for this opportunity to present the charter of the CFAT **Citizens Finance Advocacy Taskforce** and say a few words about our organization. As you know, this is a group of Boro taxpayers and merchants who came together in frustration at the end of last year's budgeting process when the Council chose to raise parking rates to close a budget gap. While lauding Council's goal of zero growth, there was a frustration among many that we found ourselves in the position of closing the gap in a \$28 million Budget in twenty-five cent increments in the form of increased parking meter pricing that negatively impacted our Boro merchants and frustrated citizens during an economically challenging time.

Based on a successful model of citizen participation adopted by many towns throughout the state, our intention is to increase the transparency of the budget and budgeting process. We hope we can be a conduit for citizen input in the process at a point when that input matters. We also intend to identify among those concerned taxpayers, citizens with expertise in areas that could be useful in identifying opportunities for spending efficiencies and revenue enhancement.

I need to spend little time rehashing the stark economic realities facing our community and our families. We have nearly 10 percent unemployment, cuts in hours and forced furloughs among those fortunate enough to have jobs, rising foreclosures and empty store fronts, nationally, but also in our precious Princeton. Per square foot rental rates in the downtown are down 30 percent. This community is not immune to the bleak economy. Princeton University, the community's largest employer, has a hiring freeze, has halted new capital projects, and frozen wage increases for most of its employees. We can expect an increase in real estate appeals, which will decrease revenue to the Boro coffers. Now is the time to prepare for the all-but-certain reduction in tax revenues that the Borough will see over the next several years. Even zero growth in a budget doesn't work when revenue is declining. In sum, we can expect another difficult year in the budgeting process, and we appreciate the Council's previously stated willingness to accept our involvement.

A core/charter/founding group has been meeting since last spring to educate ourselves, to create this charter and to identify areas for potential impact as we approach the

beginning of the budget process and contract negotiations. We have initiated conversations with David Goldfarb, the Finance Chair, and through him with Bob Bruschi, regarding the tremendous cost of health care for the municipal workers. Based on the experience of the business owners in the group, we feel confident that simply rebidding the current benefit package could save money and that rethinking and reconfiguring the package to bring it in line with prevailing norms could result in significant savings.

Last week Social Security announced that there will be no cost of living adjustments this year. Not only will this affect our seniors living on fixed income and their ability to afford an additional property tax increase, but it should send a message that this is not another year when 3% salary increases are acceptable. Quite the contrary. We understand that the Boro expenditures represent one quarter of the tax receipts, and that the County accounts for another quarter while Princeton Regional Schools accounts for one-half of the expenditures. The fact is that all three entities have marched lockstep in unchecked increasing expenditures resulting in a doubling of the rate of property taxes in the last ten years. We understand binding arbitration and the way in which unions bargain based on data from surrounding communities. However, at some point – and we feel that is sooner rather than later – some community has to take a stand and say, ‘No more. We simply cannot afford salary increases this year.’

Finally, we intend to consider the broader issues facing our community that have significant financial and economic ramifications. We are committed to supporting efforts to study consolidation of Township and Boro – either wholly or in additional shared services. We hope to be part of the dialogue regarding PILOT payments by nonprofits in the community. We feel strongly that we must put our own fiscal house in order to strengthen our position at the bargaining table.

This weekend, the NY Times magazine ran an article about Jon Corzine in which they said, “New Jersey could raise up its own army and invade Pennsylvania, and all the state’s voters would want to talk about, still , would be their property taxes. I have heard Council members state that no one attends any of the meetings when taxes are discussed. We intend to change that. Last night at the joint meeting of the Township and Boro to consider the application for funding to study consolidation and/or additional shared services, Peggy Karcher asked the question I will ask again tonight regarding municipal fiscal leadership Why not Princeton and why not now? We need to be proactive in planning for our fiscal future. We look forward to a productive partnership.

Jo Butler, on behalf of the Citizen Finance Advocacy Taskforce

Councilwoman Trelstad asked Ms. Butler to broaden CFAT’s membership base from—largely—merchants. Ms. Butler replied that the group is enlisting taxpayers *and* voters.

Jenny Crumiller, 187 Library Place, defended CFAT’s original recruitment.

Jack Morrison, downtown business owner, hoped to reach out to local citizen expertise.

Councilwoman Trelstad stressed interaction with Borough Council and asked about staff and Council members attending CFAT meetings. Mr. Morrison recognized the expense and time involved.

Mayor Trotman read **Agenda Item H, Report (2) — Monthly Police Report — Police Lieutenant David Dudeck.**

**RESOLUTION 2009-R292
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, David Dudeck, Police Lieutenant of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of August 2009; and

WHEREAS, the Mayor and Council reviewed said report at their Regular Meeting attended by Police Lieutenant David Dudeck and made various inquiries of Lt. Dudeck.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the August 2009 Monthly police report prepared by the Borough Police Administration.

Mayor Trotman, Council, and audience welcomed Councilwoman Karcher “back home” to Borough Council.

Council President Koontz moved to accept the police report and Councilwoman Trelstad seconded.

Councilman Goldfarb asked Borough Administrator Bruschi the status of selecting a new police chief. Mr. Bruschi replied that he expects to receive a draft report from consultant Robert Verry, who is conducting a targeted police study. Mr. Bruschi stated the study should be available next week. Mr. Bruschi said it is appropriate to begin setting interview dates.

Mr. Bruschi stated that there are two police bargaining units: FOP for superior officers (sergeants and lieutenants presently) and PBA for rank and file.

Mayor Trotman called the question and proclaimed the motion carried.

Mayor Trotman read by title **Agenda Item I, New Business (1) — Introduction and Order to Publish: Ordinance 2009-31, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1 OF “THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” REGARDING COLLECTION OF CREDIT CARD FEES.**

Councilwoman Trelstad moved to introduce Ordinance 2009-31; Councilman Wilkes seconded.

Mr. Bruschi explained modifications in language regarding recovery of credit card fees. He emphasized that taxes cannot currently be paid by credit card.

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 November 10, 2009.

Mayor Trotman read **Agenda Item I, New Business (1–7) — Resolutions 2009-R293, 2009-R294, 2009-R295, 2009-R296, 2009-R297, and 2009-R298** as follows:

**RESOLUTION 2009-R293
REGARDING TRANSPORTATION COSTS FOR
HAZARDOUS BUS ROUTES**

WHEREAS, the Mayor and Council deem it appropriate to determine those student transportation costs for which it will reimburse the Princeton Regional Board of Education during the 2008-2009 school year; and

WHEREAS, pursuant to N.J.S.A. 18A: 39-1.1, the Mayor and Council have agreed on behalf of the Borough to provide reimbursement to the Princeton Regional School District for certain *hazardous route* transportation costs for children who attend grades K through 5 in public schools in the Princeton Regional School District; and

WHEREAS, Princeton Regional School District, under its established policies will provide transportation for certain elementary school pupils who have been assigned for purposes of racial balance to a school other than the one closest to their homes; and

WHEREAS, the Borough of Princeton wishes to identify more particularly those roadway crossing hazards for which it would be more economical and efficient to provide transportation for other elementary school pupils by the Princeton Regional School District, which transportation costs will be borne by the Borough of Princeton; and

WHEREAS, the New Jersey State Board of Education has concluded in *Parents for Students Safety Inc. versus Board of Education of Morris School District*, 1985 SLD 3116 (Feb. 5, 1986) that courtesy busing could or could not be provided to both public and private school students based upon economic and other considerations; and

WHEREAS, based on its limited financial resources and the discretion accorded to it by the State Board of Education, as well as the availability of alternate means of access, the Mayor and Council have determined that it will not reimburse the Princeton Regional Board of Education for transportation costs of children who reside in the Borough of Princeton along the specified public elementary school *hazardous route* bus routes and attend parochial or private schools or are assigned to grades 6-12 in the public schools.

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

The Borough of Princeton shall during the 2008-2009 school year reimburse the Princeton Regional School District for of the transportation costs for busing:

a. those children attending grades K through 5 in the public schools in the Princeton Regional School District who reside on any street which would normally involve the students crossing any part of Rosedale and Elm Road or use the pathway through the wooded area behind the Elm Court Housing project in order to reach the Johnson Park School to which they are assigned. It is understood that those pupils residing in the area between Bayard Lane (U.S. 206) and Witherspoon St. who were assigned to the Johnson Park School for purposes of racial balance will be provided with transportation by the Princeton Regional School District under its previously established transportation policies.

b. those children attending grades K through 5 in the public schools in the Princeton Regional School District who reside on any street which would normally involve the students crossing any part of the intersections of Stockton St. (U.S. 206), Bayard Lane (U.S. 206) or Nassau St. (N.J. 27) in order to reach the Community Park School to which they are assigned.

c. those children attending grades K through 5 at the Charter School who reside on any street which would require such children to cross Nassau Street to attend such school.

BE IT FURTHER RESOLVED that nothing in this resolution shall bind the Borough to continue such reimbursement beyond the 2008-2009 school year.

**RESOLUTION 2009-R294
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PURCHASE OF DIESEL FUEL AND WINTER MIX**

**THROUGH THE MERCER COUNTY
COOPERATIVE CONTRACT PURCHASING SYSTEM**

WHEREAS, the Borough of Princeton is a member of Mercer County Cooperative Contract Purchasing System #CK09-MERCER; and

WHEREAS, in accordance with N.J.S.A. 40A:11-10. the Borough of Princeton may purchase materials and services which have been bid for by the lead agency on our behalf; and

WHEREAS, the lead agency of the Mercer County Cooperative Contract Purchasing System has awarded the Master Contract to supply Diesel Fuel and Winter Mix for use by the County of Mercer and MCCCPS on July 16, 2009; and

WHEREAS, Riggins, Inc. PO Box 150, Millville, NJ 08332 was the lowest responsible bidder; and

WHEREAS, the cost and the appropriate monies are provided in the Current Fund Budget in the Various Borough Departments; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Princeton authorize the Borough Administrator to purchase the above diesel fuel and winter mix under the cooperative purchasing bid from Riggins, Inc. PO Box 150, Millville, NJ 08332

**RESOLUTION 2009-R295
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PURCHASE OF ROAD MATERIALS
THROUGH THE MERCER COUNTY
COOPERATIVE CONTRACT PURCHASING SYSTEM**

WHEREAS, the Borough of Princeton is a member of Mercer County Cooperative Contract Purchasing System #CK09-MERCER; and

WHEREAS, in accordance with N.J.S.A. 40A:11-10. the Borough of Princeton may purchase materials and services which have been bid for by the lead agency on our behalf; and

WHEREAS, the lead agency of the Mercer County Cooperative Contract Purchasing System has awarded the Master Contract to Supply Road Maintenance Materials to the County of Mercer on August 13, 2009; and

WHEREAS, American Asphalt Company Inc., 116 Main Street, Collingswood, New Jersey 08059 was the lowest responsible bidder; and

WHEREAS, the cost and the appropriate monies are provided in the Current Fund Budget in the Various Borough Departments; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Princeton authorize the Borough Administrator to purchase the above Road Materials under the cooperative purchasing bid from Asphalt Company Inc., 116 Main Street, Collingswood, New Jersey.

**RESOLUTION 2009-R296
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
ASSOCIATE MEMBER**

WHEREAS, in February 2009 Borough Council approved an amendment to Articles III, IV and V of Chapter 14 of the Code of the Borough of Princeton which expanded the volunteer fire member classification to include Princeton University employees as Associate Members; and

WHEREAS, the following employee of Princeton University have met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 23, Section 25(a) through 25(g) as Associate Members of the PRINCETON FIRE DEPARTMENT:

WILLIAM S. PAPE

and;

WHEREAS, the membership application has been reviewed by the appropriate municipal officers;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the applications for Associate Membership to the Office of the Borough Administrator, Director of Emergency Services and Fire Chief.

**RESOLUTION 2009-R297
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2009 COMMITTEE APPOINTMENT**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a 3 year term as follows:

ENVIRONMENTAL COMMISSION – KIRSTEN THOFT
(to fill the unexpired term of Anne Neumann through 01-01-2011)

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the PRINCETON ENVIRONMENTAL COMMISION, and the Office of the Municipal Clerk.

**RESOLUTION 2009-R298
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>
26.02	33		Artzt, Alice J.	51 Hawthorne Ave.	\$2,000.00
Due to a NJ Homestead Rebate for 2008.					
32.08	188		Liu, Jiajian & Shengcui Lin	14 Hornor Lane	\$400.00

Make check payable to: First American Real Estate Tax Service/Liu
First American Real Estate Tax Service
Attn: Tax Refunds
1 First American Way
Mail Code: DFW 1-3
Westlake, TX 76262

Due to overpayment of 3rd qtr. 2009 taxes.

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.

Council President Koontz moved to approve Resolutions 2009-R293, 2009-R294, 2009-R295, 2009-R296, 2009-R297, and 2009-R298. Councilman Goldfarb seconded.

Councilman Goldfarb asked how much the individual hazardous bus routes cost. Mr. Bruschi responded that the numbers are fluid, difficult to pin down; part of the 20% rise over last year reflects pass-through from contract increases. Mr. Bruschi said it is still necessary to bus children across town for racial balance; law states that School Board must supply a bus seat for every child—whether used or not. Councilman Martindell requested year-end reconciliation of the bus account from the School Board.

Hearing no further discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion passed unanimously.

Mayor Trotman read **Agenda Item J, Bill List for October 27, 2009 — Resolution 2009-R299** as follows:

**RESOLUTION 2009-R299
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE OCTOBER 27, 2009 BILL LIST**

WHEREAS, Finance Officer 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)	135,225.43
RESERVE ACCOUNT (8-01)	3,307.48
PARKING UTILITY OPERATING FUND (9-05)	27,639.97
PARKING UTILITY OPERATING FUND (8-05)	
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
IMPROVEMENT ASSESSMENT (9-11)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	
CAPITAL ACCOUNT (C-04)	97,369.93
PARKING UTILITY CAPITAL FUND (P-06)	2,203.74
ESCROW (E-30)	197.36
TRUST FUND (T-13)	810,684.72
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (9-22)	
MANUAL	712,381.73
ASSESSMENT TRUST FUND (9-11)	
GRANT (G-02)	760.00

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of October 27 2009 as presented.

Councilwoman Trelstad moved to approve Resolution 2009-R299, Council President Koontz seconded, and Council approved unanimously.

Council President Koontz moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 8:25 P.M.

Respectfully submitted,

**Andrea Lea Quinty
Borough Clerk**