

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
March 9, 2010  
Regular Meeting  
Open Session 7:30 P.M.**

Present: Council President Andrew Koontz, Councilwoman Jenny Crumiller, Councilman David Goldfarb, Councilman Roger Martindell (*arrived 7:34 P.M.*), Councilwoman Barbara Trelstad, Councilman Kevin Wilkes, Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Maeve E. Cannon, Planning Board Director Lee O. Solow, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:30 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 March 9, 2010, 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 asked all present to rise for **Agenda Item C, Salute to the Flag.**

Mayor Trotman read **Agenda Item D, Approval of Minutes.**

Presented for approval were the minutes of the open session of February 23, 2010.

Councilman Goldfarb moved to approve the minutes of the open session of February 23, 2010, Councilwoman Trelstad seconded, and Council approved unanimously five to zero with an amendment.

Mayor Trotman read **Agenda Item E, Public Presentation**, and asked if anyone present wished to address the Council with an issue not on the agenda.

Ms. Anne Waldron Neumann, 22 Alexander Street, read a statement regarding the shift in property taxes resulting from the recent revaluation. She supported Borough providing fewer nonessential services to all and fewer important services to some. She was concerned that

revaluation raises taxes on those least able to pay. Ms. Neumann noted the significant point that higher assessments reflect higher selling prices.

Ms. Neumann questioned Council's role in the revaluation process. As Councilman Goldfarb had explained in Council's session of January 26, 2010, Council's responsibility was limited to contracting with Appraisal Systems, as directed by Mercer County Board of Taxation. Property holders can appeal to Appraisal Systems, Borough Assessor and, ultimately, to Mercer County Board of Taxation.

Ms. Neumann discussed some tax relief measures available to New Jersey homeowners—most of which she found difficult to access and implement. Ms. Neumann stressed that Princeton Borough and Township Mayors and School Board President must press Princeton University (PU) for a more equitable contribution to its towns' well being.

Mayor Trotman proposed a public meeting to be held during March 2010 with Princeton joint tax assessor, Mercer County Clerk, and a representative of Appraisal Systems. She hoped the group will satisfy residents' questions about reallocation of tax burden after reassessment.

Councilwoman Crumiller reported to Council that efforts by Gary DeBlasio of Corner House and her predecessor on Council, Margaret Karcher, had been successful in limiting dangerous behaviors by PU students during Bicker weekend.

Eric Bertal of Engine Company #1 followed up on the status of repairs to the firehouse on Chestnut Street. Borough Administrator Robert Bruschi stated he would provide data on repair costs—possibly on the agenda for March 23, 2010. Council members met with Willie Shields, President of Company #1, and agreed that all members of the company must be included in talks. A full public discussion is indicated.

Responding to another request to institute a tickler system, Mr. Bruschi reported that Fire Official William Drake may have a software program that can be adapted to suit Borough's needs.

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

Mayor Trotman read **Agenda Item F, Presentation/Discussion (1) — Albert Hinds Community Plaza Memorial** – *Wendy Benchley*.

Former Councilwoman Benchley and the Plaza Arts Committee addressed Council with a proposal for artwork in the Albert E. Hinds Community Plaza. The artwork is to include two sets of open “gates” at the main entrances to the plaza from Witherspoon Street, accompanied by in-ground plaques saluting Mr. Hinds's life and contributions to the Princeton community.

Ms. Benchley sought Council's approval to proceed with the commemorative art. The gateways will feature one of Mr. Hinds's favorite sayings: “IT'S ALWAYS THE RIGHT TIME TO DO THE RIGHT THING.” The motif of the gateways is cut-out quilt imagery, including patterns of

March 9, 2010

particular meaning to Mr. Hinds. Structured from high-grade stainless steel, the gates will cast moving shadows on the plaza surface and reflect ambient light.

Tom Nussbaum, artist, provided specifications for the gates and plaques. He described a related Website and audio guide, to be maintained by Princeton Public Library. To learn more about Mr. Hinds and the artwork, and be directed inside the library for further details, visitors will access the audio guide from a phone number displayed on the plaques.

Councilman Goldfarb favored the brushed stainless steel of the gates, but was concerned that embedded plaques might not be noticed by passersby.

Ms. Benchley noted that the estimated project budget is \$83,000; she and her committee hope to raise \$90,000 to cover unforeseen contingencies.

Councilwoman Crumiller thought the gates were beautiful. She wondered about safety if children try to climb on the structures.

Councilman Martindell raised some practical issues: Just how sturdy are the structures? Can they be damaged by, say, snow plows?

Mr. Nussbaum reassured Council that the gates are of highest-grade marine steel, securely placed in concrete footings, and invulnerable to outside stresses. While the plaza is a memorial tribute to Mr. Hinds, Mr. Nussbaum emphasized the “community history” focus of the square—hence a silhouette of Mr. Hinds was deemed inappropriate.

Shirley Satterfield, neighborhood representative and Princeton historian, commented that the John/Witherspoon vicinity residents had contributed ideas to the plaza design.

Councilman Goldfarb suggested, as a courtesy, consulting with NHKT about the artwork.

Minnie Craig of Witherspoon Street mentioned some concerns of the neighbors about the style of art. Ms. Benchley responded that the committee had struggled with representational versus symbolic shapes. She said they were happy looking to the future with symbolic forms.

Jeff Nathanson, Executive Director of Arts Council, noted the gates represent an individual man *and* universal symbolism.

Councilwoman Crumiller preferred a vertical plaque.

Council and members of the audience debated the safety of quilt designs cut out of steel. Mr. Bruschi said Borough’s Joint Insurance Fund would have final say as to danger to the public.

Mayor Trotman asked length of time for installation of four gates and two plaques—Mr. Nussbaum said a few days at most.

March 9, 2010

Councilman Wilkes raised some practical matters in daily use of the square such as garbage cans, bike racks, and so forth. NHKT must be involved as they maintain the plaza.

Councilwoman Trelstad moved to support Hinds Plaza artwork as presented. Council President Koontz seconded. Council approved unanimously.

Mayor Trotman read **Agenda Item F, Presentation/Discussion (2) — Bus Rapid Transit (BRT) – Marvin R. Reed.**

Mr. Reed stated that the initial idea behind BRT is “moving people” along the New Jersey Transit (NJT) right-of-way (Dinky line) between Princeton Junction and Princeton train stations. BRT will eventually expand into downtown Princeton and include many stops in the Route One corridor.

Mr. Reed quoted an early estimate of the capital cost of the BRT system to be \$600 to \$700 million. Park & Ride locations must be established along the route—this can be implemented in stages as the project proceeds.

Mr. Reed noted that an advantage of BRT over NJT/Dinky trains is low-carbon emission vehicles. Federal funds may become available since Federal government favors bus over high-speed rail transportation. Some successful transitions from rail to bus have occurred in Boston; Eugene, Oregon; Los Angeles; and Denver.

NJT has instructed planners to begin using existing roadways connecting such high-use sites as Market Fair, Quaker Bridge Mall, Princeton Shopping Center, and Plainsboro town center among others.

Mr. Reed presented a draft joint resolution to cover service between Nassau Street and Princeton Junction every 10 minutes.

Councilman Goldfarb endorsed the concept, as BRT is less expensive than Dinky service.

Councilman Wilkes believed a compelling argument was providing express transportation to Nassau Street. BRT addresses the issue of moving the Dinky station toward downtown.

Councilwoman Trelstad thought a small, “spiffy” bus was a good idea for the extension of the 605 and 606 buses.

Councilwoman Trelstad stated there had been a great effort to make certain that the resolution to NJ Transit states that the Dinky tracks must be removed quickly so that BRT can be installed as quickly as possible, adding this is necessary because the interim route along Alexander Road will be slower due to existing traffic.

Mentioned were possible phases of BRT development:

1. Nassau Street to Princeton Junction
2. Extend Phase 1 routes

3. Include Plainsboro.

Mr. Reed observed that planners must deliberate frequency of service versus size of vehicle.

Council President Koontz stated that Dinky's present ridership peaks at 100 people per trip—a small bus would be inadequate during certain times of the day, although frequent trips would alleviate some pressure. He stated that a PU stop at Faculty Road is necessary—this transportation is primarily for people going to jobs, not shopping.

Councilman Wilkes reflected that future travelers could include non-workforce groups who want to move around Princeton Borough on public transportation.

Councilwoman Crumiller stressed speed and convenience.

Councilman Goldfarb asked if PU planned to participate in development of BRT.

Mr. Alain Kornhauser of Montedale Road, Princeton Township suggested the first step should be to make the current asset better. He thought *responsive* service outweighed *flexible* service. He wondered how the Dinky could be automated for users' added convenience.

Eric Dutaud, from the perspective of a fire official, compared a three-minute Dinky ride to 10 minutes on BRT.

A member of the audience who frequently uses Princeton public transportation (Free B, for example) said it was premature to abandon the rail line—first reprogram vending to simplify ticket purchase. He wondered if minor upgrades could be handled by NJT.

Mr. Reed described some improvements PU will make to the Dinky/BRT landscape. Natalie Shivers, Office of PU Architect, countered that no decisions have been made by PU regarding Dinky tracks area; any statement to the contrary is speculation.

Mayor Trotman read **Agenda Item G, New Business (1) — Resolution 2010-R96** as follows:

**RESOLUTION 2010-R96  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPOINTING A DEPUTY BOROUGH CLERK  
FOR A ONE YEAR TERM**

**WHEREAS**, in accordance with Section 2-16 of the Borough Code, the Borough wishes to appoint a Deputy Borough Clerk,

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

Delores A. Williams is hereby appointed to serve as Deputy Borough Clerk for a one-year term effective March 10, 2010 through December 31, 2010.

Councilwoman Trelstad moved to approve Resolution 2010-R96, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (2) — Resolution 2010-R97** as follows:

**RESOLUTION 2010-R97  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR  
LEGAL SERVICES**

**WHEREAS**, the Borough desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

**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 Miller, Porter, Muller & Gaynor, PC (hereinafter referred to as "Provider") to provide professional services for the Planning Board from March 9, 2010 through December 31, 2010, 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 regular legal counsel to the Regional Planning Board of Princeton to review various Borough land development applications as filed with the Board, 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 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 pursuant to the contract with the Provider.

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.

Council President Koontz moved to approve Resolution 2010-R97, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (3) — Resolution 2010-R98** as follows:

**RESOLUTION 2010-R98  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR**

**SPECIAL LEGAL SERVICES**

**WHEREAS**, the Borough desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

**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 O'Donnell, McCord & DeMarzo, PC (hereinafter referred to as "Provider") to provide professional services for the Planning Board from March 9, 2010 through December 31, 2010, 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 special legal counsel to the Regional Planning Board of Princeton to review various Borough land development applications as filed with the Board, 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 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 pursuant to the contract with the Provider.

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.

Councilwoman Trelstad moved to approve Resolution 2010-R98, Council President Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (4) — Resolution 2010-R99** as follows:

**RESOLUTION 2010-R99  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE AMENDMENT  
OF A NON-FAIR AND OPEN CONTRACT  
FOR PROFESSIONAL SERVICES  
TO FRENCH & PARRELLO ASSOCIATES, P.A.  
FOR THE PREPARATION AND SUBMISSION OF  
A FRESHWATER WETLANDS LETTER OF INTERPRETATION (LOI) APPLICATION WITH  
RESPECT TO THE RIVER ROAD PROPERTY**

March 9, 2010

**WHEREAS**, the Borough wishes to amend a certain professional services agreement with French & Parrello Associates, P.A., 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 French & Parrello Associates, P.A. (hereinafter referred to as "Provider") said contract being dated November 10, 2009.

1. The addendum so authorized shall require the Provider to provide services and other related duties, as follows:

Provider will prepare new soil borings utilizing a hand auger and will prepare a written report of the borings for submission with the Freshwater Wetlands Letter of Interpretation (LOI) Application with respect to the River Road Property.

2. The Borough shall pay the Provider the following additional compensation: An amount not to exceed \$4,500.00 (funds are available and shall be drawn from C-04-07-018-399, Ordinance 2007 – 18 Sewer Trust).

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 Trenton Times as required by law within ten (10) days of its passage.

Council President Koontz moved to approve Resolution 2010-R99 and Councilman Martindell seconded.

Councilman Martindell asked the status of the River Road property development. Mr. Bruschi answered that additional soil testing is in the works. Planning Board Director Lee O. Solow said that a USA architect will present to Council a report and environmental assessment in the near future.

Borough Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (5) — Resolution 2010-R100** as follows:

**RESOLUTION 2010-R100  
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> |
|--------------|------------|--------------|--|--------------------------|---------------|
| 10.02        | 16         |              | Slade, Bettina<br>Make check payable to:<br>BAC Tax Service<br>P.O. Box 10211<br>Van Nuys, CA 91410-0211 | 73 Stockton St.          | 11,478.89     |

March 9, 2010

\* Loan # 136568471- overpayment 1<sup>st</sup> qtr. 2010 property taxes

|       |    |  |                  |         |
|-------|----|--|------------------|---------|
| 10.02 | 46 | Goheen, Robert & Margaret<br>P.O. Box 255<br>Spring Lake, NJ 07762 | 1 Orchard Circle | 8040.62 |
|-------|----|--|------------------|---------|

\*1<sup>st</sup> qtr. 2010 paid twice

|       |    |  |              |        |
|-------|----|--|--------------|--------|
| 17.01 | 21 | First Baptist Church of Princeton<br>P.O. Box 501<br>Princeton, NJ 08540 | 30 Green St. | 622.40 |
|-------|----|--|--------------|--------|

\* Sewer adjustment

|       |    |  |               |       |
|-------|----|--|---------------|-------|
| 20.01 | 40 | Utopia Inc.<br>C/O Samuel Davidow<br>4820 W. Broward Blvd.<br>Plantation, FL 33317 | 86 Nassau St. | 26.41 |
|-------|----|--|---------------|-------|

\*1<sup>st</sup> qtr 2010 tax overpayment

|       |    |  |                     |          |
|-------|----|--|---------------------|----------|
| 22.02 | 20 | 73-75 Jefferson Rd. Condo Assoc<br>Make check payable to:<br>First American Real Estate Tax Service<br>Attn: Tax Refunds<br>1 First American Way<br>Mail Code: DFW 1-3<br>Westlake, TX 76262 | 73-75 Jefferson Rd. | 4,300.16 |
|-------|----|--|---------------------|----------|

\*1<sup>st</sup> qtr 2010 overpayment

|       |    |  |                |       |
|-------|----|--|----------------|-------|
| 38.01 | 18 | Werner, Harold & Guiragos, Susan<br>180 Mercer Street<br>Princeton, NJ 08540 | 180 Mercer St. | 38.67 |
|-------|----|--|----------------|-------|

\*1<sup>st</sup> qtr 2010 tax overpayment

|       |    |  |              |       |
|-------|----|--|--------------|-------|
| 52.01 | 91 | Maurer, Christine Graziano<br>55 Aiken Ave.<br>Princeton, NJ 08540 | 55 Aiken St. | 33.05 |
|-------|----|--|--------------|-------|

\*1<sup>st</sup> qtr 2010 tax overpayment

**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 Resolution 2010-R100, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, Bill List for March 9, 2010 — Resolution 2010-R101** as follows:

**RESOLUTION 2010-R101  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE MARCH 9, 2010 BILL LIST**

March 9, 2010

**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 (10-01)                   | 402,745.72 |
| RESERVE ACCOUNT (9-01)                    | 8,712.28   |
| PARKING UTILITY OPERATING FUND (10-05)    | 18,871.21  |
| PARKING UTILITY OPERATING FUND (9-05)     | 1,760.09   |
| AFFORDABLE HOUSING OPERATING ACCT (10-24) |            |
| IMPROVEMENT ASSESSMENT (10-11)            |            |
| AFFORDABLE HOUSING OPERATING ACCT (9-24)  |            |
| CAPITAL ACCOUNT (C-04)                    | 26,401.06  |
| PARKING UTILITY CAPITAL FUND (P-06)       |            |
| ESCROW (E-30)                             | 2,980.36   |
| TRUST FUND (T-13)                         | 468.00     |
| GENERAL INSURANCE                         |            |
| FLEXIBLE SPENDING FUND (10-22)            |            |
| MANUAL                                    | 112,601.35 |
| ASSESSMENT TRUST FUND (10-11)             |            |
| GRANT (G-02)                              | 4,648.50   |

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the bill list February 23, 2010 as presented.

Councilwoman Trelstad moved to approve Resolution 2010-R101, Council President Koontz seconded, and Council approved unanimously.

Councilman Wilkes moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 10:43 P.M.

Respectfully submitted,

**Andrea Lea Quinty**  
**Borough Clerk**