

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
March 22, 2011
Regular Meeting
Closed Session 6:30 P.M.
Open Session 7:30 P.M.**

Present: Council President Kevin Wilkes, Councilwoman Jo Butler,
Councilwoman Jenny Crumiller, Councilman David Goldfarb,
Councilman Roger Martindell, Councilwoman Barbara Trelstad, Mayor
Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer John M.
West, Land Use Development Official Derek Bridger, Police Chief David
J. Dudeck, Planning Board Director Lee O. Solow, 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 March 22, 2011, 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 2011-R91**, as follows:

**RESOLUTION 2011-R91
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON MARCH 22, 2011**

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
3. Negotiations — North Ridge
4. Negotiations — Princeton University

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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Councilwoman Trelstad moved to approve; Council President Wilkes seconded. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved. Councilman Goldfarb recused himself from closed session as it related to Princeton University Arts and Transit negotiations.

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 February 22, 2011.

Councilwoman Trelstad moved to approve the minutes of the open session of February 22, 2011, Councilwoman Butler seconded, and Council approved unanimously.

Mayor Trotman read **Agenda Item F, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda. Mayor Trotman explained the five-minute limit for public presentations; no dialogue with Council members is permitted during this portion of the agenda. If so indicated, Council will take action at a later date.

Nick Karp, One Boudinot Street, said he had examined the preliminary budget and noted that expense increases were *structural* (that is, salaries, benefits, interest rates—items that will continue to rise year after year) whereas revenue increases are one-time matters, yielding a seven-cent net tax increase; not one cent as published.

Mayor Trotman introduced Jack West, engineer-elect.

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

Mayor Trotman read **Agenda Item G, Report (1a) — Monthly Police Report — David J. Dudeck, Chief of Police.**

**RESOLUTION 2011-R92
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, David Dudeck, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of January 2011; and

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

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the January 2011 Monthly police report prepared by the Borough Police Administration.

Chief Dudeck presented the new police report format, which includes time-by-task information per officer.

Councilman Goldfarb was pleased to see how police personnel are spending their time.

Councilman Martindell questioned the status of an alarm ordinance, target deadline March 31, 2011. Council President Wilkes responded that Public Safety has reviewed draft wording and will present a final version to Council in two weeks.

Councilman Martindell asked Public Safety to consider hiring non-union detectives. Council President Wilkes and Chief Dudeck indicated that the topic had not yet been raised in committee.

Chief Dudeck stated that police respond to all calls from the public (even when seemingly not a police matter) and advise how the resident should go forward.

Chief Dudeck described an “interesting turn” in talks on shared services—County Executive Brian Hughes had approached Mercer communities to create a countywide dispatch system to be housed at Dempster Fire School. Mayor Trotman explained that a meeting of mayors must predate any regionalization effort.

Councilman Martindell stated that the Riley solution of \$440,000 totaled about \$162 per Borough household. He wanted Public Safety to explore, on behalf of Council, how to avoid a similar outcome in the future.

Councilman Goldfarb explained Council’s role in police discipline as limited by New Jersey Attorney General’s office and the Mercer County Prosecutor. He acknowledged the value of a written procedure describing the guidelines, but commented that written protocols can limit options.

Councilman Martindell thought development of a written policy would prove useful in determining “basis in law.”

Councilman Goldfarb said the Attorney General’s guidelines are “clear enough” to direct Council’s actions.

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

Mayor Trotman read **Agenda Item G, Report (2a) — Arts and Transit Draft Zoning Ordinance (AET zone)** — *Staff report by Robert W. Bruschi, Borough Administrator; Lee Solow, Director of Planning; Derek Bridger, Zoning Official.*

Borough Administrator Robert Bruschi summarized staff action to date; specifically discussion items as identified by Borough Engineer West, Zoning Official Bridger, and himself.

Boundaries

- Maintain R-3 for Alexander homes
- Entire Forbes College to E-2
- McCarter/Berlind as E-2
- AET restricted to arts buildings and rail stations (1.4 acres—down from 4 acres proposed by Princeton University [PU])

Bulk Regulations

- Appropriate setbacks
- Design standards
- Open space; public access
- Floor area ratio (FAR); in particular, building mass
- Control commercial uses
- Parking use/ratios

Signage

- Standards
- Kiosks
- Banners

Circulation

- Roundabout
- Emergency access
- Safety

Councilwoman Trelstad sought information on building heights and setbacks. Mr. Solow offered to provide “visuals” to assist Council’s decision-making.

Mr. Solow recommended flexibility in defining purposes—“restaurant” and “bike shop” permit *only* those two types of commerce. Another route might be to limit commercial activity to the rail stations. Mr. Solow pointed out that zoning allows a type of activity but does not create it.

Councilwoman Crumiller favored retail businesses to foster community activity in the area.

Councilman Martindell thought more retail invites more people; therefore he supported a broad zoning definition that would also encourage use of open spaces.

Mr. Solow commented that a downside to retail is parking needs.

Councilman Martindell recommended a parking structure—a private/public partnership between Borough and PU

Mayor Trotman requested a definition of “public accessibility.” Mr. Solow said PU’s requirements must enter into the openness of the area.

Mr. Solow noted that traffic generation is elemental to planning a site. He said the Planning Board’s review of PU’s proposal did not find an overall traffic impact. Once the zoning—that is uses and density—is established, traffic flow has already been covered.

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Councilwoman Butler was concerned that a maximum height of 130 feet across the street from McCarter's tower would create a canyon effect. She thought a 10-foot setback was not enough to mitigate the canyon effect.

Councilwoman Trelstad pointed out that McCarter's tower is on elevated land, making it seem even bigger.

Council President Wilkes described the interior heights required for McCarter with a proscenium arch and the proposed black box theater that has no flying scenery requirement.

Councilwoman Butler said it is critically important to have abundant commuter parking on University Street; she anticipates a traffic nightmare on Alexander.

Councilman Martindell asked that PU provide, from their perspective, a schedule of benefits and impacts (i.e., uses not bulk regulations) of the development.

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

Anne Neumann, Princeton Borough, asked if McCarter would remain on the tax rolls if rezoned E-2. She observed that McCarter's tower is very narrow, housing dressing rooms and a circular slide escape. Ms. Neumann sought clarity on "how public is public?" and innovative zoning that has not yet been addressed.

Yina Moore, 19 Green Street, distinguished between university users—including students and attendees—of the arts neighborhood and all other members of the public. Ms. Moore mentioned that New Jersey Transit (NJT) is still considering modifying access to the Princetons from Route One.

Tom Zucosky, 33 Witherspoon Street, asked the status of the dinky and State of New Jersey's intentions regarding light rail.

Mr. Bruschi stated that this agenda is concerned with zoning matters only.

Marvin Reed, Planning Board member, stated that NJT has informed him personally that a local municipality cannot zone a public transit facility. He asked that staff follow up with Borough attorney about ordinance language on permitted uses in the wayfinding section.

Chip Crider, Bank Street resident and Township businessman, reminded Council to review AET as it affects Township interests as well as Borough's.

Seeing no one further, Mayor Trotman closed the public discussion and returned to Council.

Councilwoman Butler read a statement saying that Council is concerned with two major issues for spring 2011: AET and the budget. She reminded Council that PU president had declared

before both governing bodies on January 31, 2011, that PU's contribution (PILOT) to Borough (approximately \$1 million) was dependent on the outcome of the AET proposition vote.

Councilwoman Butler recommended Council free Borough from this sword of Damocles by finding a zero budget increase this year and then beginning to replace the amount of the PILOT—with a view to eventual independence from PU funds.

Councilwoman Crumiller asked if NJT would override any Borough decision about the dinky station to accommodate PU. Mayor Trotman undertook to ask Borough attorney to investigate.

Mr. Bruschi will advise Council of results of the upcoming March 30 meeting with PU.

Mayor Trotman read by title **Agenda Item H, New Business (1) — Public Hearing and Adoption: Ordinance 2011-02** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 26 OF THE CODE OF THE BOROUGH OF PRINCETON, NJ 1974 REGARDING OPERATION OF THE BOROUGH POLICE DEPARTMENT.

Councilwoman Trelstad moved to adopt Ordinance 2011-02; Council President Wilkes seconded.

Mr. Bruschi explained that Ordinance 2011-02 temporarily increases the police force by one sergeant.

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 Wilkes, Butler, Crumiller, Goldfarb, and Trelstad voted in the affirmative. Councilman Martindell was opposed. Mayor Trotman proclaimed the ordinance adopted by a vote of five to one.

Mayor Trotman read **Agenda Item I, New Business (2) — Resolution 2011-R93** as follows:

**RESOLUTION 2011-R93
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPOINTING BOROUGH ENGINEER**

WHEREAS, in accordance with N.J.S.A. 40A:9-140 the Borough of Princeton wishes to appoint a Borough Municipal Engineer;

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

John M. West is hereby appointed to serve as the Borough Engineer for a one year term commencing April 1, 2011 through December 31, 2011 the terms of compensation which shall be set forth in accordance with Borough Salary Ordinances.

Councilwoman Trelstad moved to approve Resolution 2011-R93, Councilwoman Butler seconded, and Borough Council approved unanimously.

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Mayor Trotman read **Agenda Item I, New Business (3) — Resolution 2011-R94** as follows:

**RESOLUTION 2011-R94
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A SETTLEMENT AGREEMENT
IN THE MATTER OF KANE v. BOROUGH OF PRINCETON, ET AL.**

WHEREAS, Ms. Kane and the Borough of Princeton (the “Borough”) have mutually agreed to settle all of the claims in dispute in the matter of Kane v. Borough of Princeton, et al. pursuant to the terms and conditions set forth in the Settlement and Agreement and Release attached hereto.

WHEREAS, it is recommended that the Borough Council approve this settlement to resolve this dispute and avoid the burden, expense, hardship, inconvenience and distraction of further litigation between the parties.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Borough of Princeton is authorized to consummate a settlement with the plaintiff in the Kane v. Borough of Princeton, et al. matter on the terms set forth in the Settlement Agreement and Release attached and to execute all documents necessary to finalize and resolve the matter in accordance with the terms of the settlement.

Mayor Trotman announced tabling of Resolution 2011-R94.

Mayor Trotman read **Agenda Item I, New Business (4) — Resolution 2011-R95** as follows:

**RESOLUTION 2011-R95
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR MUNICIPAL LEGAL SERVICES**

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

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

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Michael J. Herbert has completed and submitted a Business Entity Disclosure Certification which certifies that HERBERT, VAN NESS, CAYCI & GOODELL, P.C. has not made any reportable contributions to a political party or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit HERBERT, VAN NESS CAYCI & GOODELL, P.C. from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with HERBERT, VAN NESS, CAYCI & GOODELL, P.C. as described herein for an amount not to exceed \$40,000 through December 31, 2011; and

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

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

Mr. Bruschi said this is the last item for which Herbert, Van Ness, et al. are representing Borough.

Councilwoman Trelstad moved to approve Resolution 2011-R95, Council President Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (5–9) — Resolutions 2011-R96, 2011-R97, 2011-R98, 2011-R99, and 2011-R100** as follows:

**RESOLUTION 2011 R-96
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2011 COMMITTEE APPOINTMENTS
FOR A THREE YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees to fill an unexpired term (Clair Jacobus) through January 1, 2013 as follows:

HUMAN SERVICES COMMISSION

Elizabeth Bidwell Bates

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

**RESOLUTION 2011-R97
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
CORNER HOUSE OF PRINCETON**

WHEREAS, The Corner House Foundation, whose leadership, prevention and treatment programs promote the health and well being of Princeton area young people wishes to increase public awareness of their annual fundraising benefit “Motown Magic” to be held on Friday, April 29th; and

WHEREAS, Corner House has requested permission to install a banner over Washington Road to announce this event and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning **Monday April 11th through Monday April 18th, 2011**; 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 2011-R98
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF POLE BANNERS
AS REQUESTED BY THE
PRINCETON UNIVERSITY ART MUSEUM**

WHEREAS, The Princeton University Art Museum is planning their spring exhibition, “*Kurt Schwitters Color and Collage*” beginning March 26, 2011; and

WHEREAS, The Princeton University Art Museum has requested permission to install eight pole banners on Nassau Street with the approval of the Office of Community and State Affairs at Princeton University beginning March 25, 2011 through June 27th , 2011 to advertise the Art Exhibition; and

WHEREAS, the pole banners will be promptly removed after 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 pole banners on Nassau Street in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2011-R99
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
ROTARY CLUB OF PRINCETON**

WHEREAS, The Rotary Club Of Princeton a community organization wishes to increase public awareness of their Annual Pancake Breakfast in conjunction with Memorial Day in the Borough of Princeton; and

WHEREAS, The Rotary Club has requested permission to install a banner over Washington Road to announce this event and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning Friday May 20 through Friday, May 27, 2011; 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 2011-R100
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING BINGO LICENSE BA:337
TO YMCA PRINCETON**

WHEREAS, YMCA PRINCETON has submitted a BINGO application to the Borough Clerk; and
WHEREAS, N.J.A.C. 13:47-4.1 requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period is satisfied on April 6, 2010; and

WHEREAS, YMCA PRINCETON, in accordance with N.J.A.C. 13:47-3 et seq, has submitted the required fees, four copies of their application, and the Legalized Games of Chance Control Commission (LGCCC) registration form with identification number.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that bingo license BA: 337 for YMCA PRINCETON be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the Finding and Determinations for BA: 337 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

Noting a typographical error in Resolution 2011-R99, Councilman Goldfarb moved to approve Resolutions 2011-R96, 2011-R97, 2011-R98, 2011-R99, and 2011-R100; Councilwoman Trelstad seconded; Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, Bill List for March 22, 2011 — Resolution 2011-R101** as follows:

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**RESOLUTION 2011-R101
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MARCH 22, 2011 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 as follows:

CURRENT ACCOUNT (11-01)	312,957.52
RESERVE ACCOUNT (10-01)	22,177.54
PARKING UTILITY OPERATING FUND (11-05)	52,306.10
PARKING UTILITY OPERATING FUND (10-05)	
AFFORDABLE HOUSING OPERATING ACCT (11-24)	8,100.00
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (11-11)	
CAPITAL ACCOUNT (C-04)	56,459.27
PARKING UTILITY CAPITAL FUND (P-06)	8,600.00
ESCROW (E-30)	
TRUST FUND (T-13)	53,572.54
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	659,404.60
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	750.00

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

Councilwoman Trelstad moved to approve Resolution 2011-R101, Council President Wilkes seconded, and Council approved five to one, with Councilman Goldfarb opposed.

Council President Wilkes moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:17 P.M.

Respectfully submitted,

**Andrea Lea Quinty
Borough Clerk**