

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
August 14, 2012**

**Closed Session 6:00 P.M.
Regular Session 7:00 P.M.**

Present: Council President Barbara Trelstad, Councilwoman Jo Butler,
Councilwoman Jenny Crumiller, Councilwoman Heather Howard,
Councilman Roger Martindell, Mayor Yina Moore

Absent: Councilman Kevin Wilkes

Staff Present: Borough Administrator and Acting Clerk Robert W. Bruschi, Police
Captain Nicholas K. Sutter, Deputy Borough Clerk Delores A. Williams

Mayor Moore called the meeting to order at 7:05 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 August 14, 2012, 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.”

Council President Trelstad read **Agenda Item C, Resolution 2012-R227**, as follows:

**RESOLUTION 2012-R227
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON AUGUST 14, 2012**

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. Litigation
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.

Councilwoman Butler moved to approve and Councilwoman Crumiller seconded. Council members Trelstad, Butler, Crumiller, Howard, and Martindell voted in the affirmative. Hearing no nay votes, Mayor Moore proclaimed the resolution approved.

Mayor Moore asked all present to rise for **Agenda Item D, Salute to the Flag.**

Mayor Moore announced that Council's closed sessions will be held prior to public meetings. Borough Administrator Robert Bruschi reported that Council reviewed advice from special counsel employed by the Borough to assist with transportation issues and Historic Preservation Committee's opinion about relocation of the Dinky station. Staffing topics included early moves of personnel to Township Hall. Mr. Bruschi anticipated that department moves (primarily furniture) will occur between early September and mid-November.

Mayor Moore read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of May 22, 2012.

Council President Trelstad moved to approve the minutes of the open session of May 22, 2012, Councilwoman Butler seconded, and Council approved unanimously.

Presented for approval were the minutes of the open session of June 6, 2012.

Council President Trelstad moved to approve the minutes of the open session of June 6, 2012, Councilman Martindell seconded.

Councilwoman Butler suggested minutes of June 6 be deferred until Assistant Borough Attorney Henry Chou can elucidate his position (improper to impose design standards as code) on the parallel track of zoning amendments to Avalon Bay's plans for the hospital grounds.

Council President Trelstad withdrew her motion to approve and moved to postpone approval until Council hears clarification from Mr. Chou. Councilman Martindell seconded postponement and Council approved unanimously five to zero

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

Daniel Harris, Dodds Lane, disagreed with the content of the June 6 minutes. While commending the clarity and crispness of Deputy Clerk Delores Williams' minutes, Mr. Harris contended that the document does not fully reflect the discussion about the MRRO zone. He sought to add (1) Joseph Weiss's contention that Borough code for MRRO zone was "very bad"; and (2) changes, as stated by William Wolf, such as reduction of FAR to 1.6. When asked by Mayor Moore if "parallel zoning" to exempt present applicant (that is, Avalon Bay) for MRRO was appropriate, Mr. Chou replied that New Jersey courts have rejected design standards in Boonton and West Windsor. Mr. Harris asked the June 6 minutes to reflect Mr. Chou's assent to future MRRO zoning that specifically exempts current applicant.

Councilwoman Howard asked Mr. Bruschi about separating the sewer charges from the property tax bills; she was concerned on behalf of constituents whose mortgage escrows cover sewer

usage. Mr. Bruschi stated that a directive from the Department of Community Affairs disallows combined billing. He advised taxpayers to follow up with their mortgage lenders for refunds.

Council President Trelstad handed out a draft plan for care and maintenance of Harrison Street Park. A part-time gardener, Daisy, has been engaged through seasonal employment funds. Councilwoman Butler pointed out that much of the planting was installed based on maintenance promises from neighbors. She wondered what aspect had failed. Accountability must be a factor for future park upkeep.

Seeing no one further, Mayor Moore closed the public portion.

Mayor Moore read **Agenda Item G, Report (1) — Princeton Police Rules and Regulations-Nick Sutter, Police Captain. & Frank Rodgers, Rodgers Group**

Capt. Sutter stated that the rules and regulations document will provide the foundation for the new, joint police department with a view to meeting national practices and standards for accreditation.

Capt. Sutter introduced Mr. Rodgers, who reported that the ongoing project (some 50 separate policies) is proceeding well in accordance with state and national accreditation standards, Attorney General's guidelines, and administrative law in New Jersey. Mr. Rodgers indicated there were no significant differences between the original Borough and Township policies and the new ones. He said the first order of business for the joint town is to determine the "appropriate authority" (in Borough, Public Safety Committee).

Councilman Martindell was concerned that the policy does not specifically ban, for example, free food for members of the force in section 3:5 GIFTS, REWARDS, ETC. Council debated language that would permit goodwill from merchants in appropriate circumstances.

Mr. Rodgers explained that his group is seeking feedback and support from both governing bodies prior to final submission of the policy.

Council President Trelstad read by title and moved **Agenda Item H, Old Business (1) — Public Hearing and Adoption: Ordinance 2012-13, AN ORDINANCE CONCERNING SALARIES AND COMPENSATION OF CERTAIN PERSONNEL OF THE BOROUGH OF PRINCETON.**

Mr. Bruschi confirmed that Ordinance 2012-13 concerns Health Department employees whose official status was impacted with enactment of the most recent salary ordinance in 2010; specifically environmental specialists who fell under state pay grade guidelines.

Councilwoman Crumiller seconded.

Councilman Martindell pointed out that the Borough Attorney had advised that this salary move (that is, back to previous level) was entirely discretionary. Mr. Bruschi agreed. The immediate financial impact is about \$8,000.

August 14, 2012

Councilman Martindell insisted that Ordinance 2012-13 is wasteful, extravagant, not legally required, and inappropriate in the present economic environment. He called it “shameful to proceed.”

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

Keith Levine, Borough Registered Environmental Specialist, told of a 2002 salary survey conducted by Mr. Bruschi, in which both environmental specialists were assigned pay grades (5 and 6) according to New Jersey practice. Eight years later (late in 2010) both were demoted without cause. Mr. Levine clarified that his job requires higher educational credentials than other health inspectors.

Princeton Regional Health Commission Officer David Henry added that the Regional Health Commission has authority to determine pay grades and fix salaries, operating as a reasonable and accountable commission serving the Borough and Township for more than 35 years.

Health Commission President Bruce Topolosky stressed that everyone concerned should have been aware of the five-year state statute requirements for environmental specialist salaries. A practical salary administration policy should include incremental adjustments spread over the five-year term to avoid sudden disparities. Mr. Topolosky stated that the commission was never given a reason for the 2010 downgrades; probably because the Borough disapproved the state statute. (Mr. Bruschi denied any such thinking by Borough officials.)

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

Councilman Martindell stressed that his comments in no way reflect on the two individuals concerned. Councilman Martindell did not question the maximum provision at five years; he maintained that raising the top of the salary range (by, in this case, more than 19%) is discretionary.

Council President Trelstad requested actual salary history for the workers. She was not satisfied with the conclusions of the Personnel Subcommittee.

Councilwoman Crumiller seconded.

Hearing no further comment, Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Butler, Crumiller, and Howard voted in the affirmative. Council members Trelstad and Martindell voted nay. Mayor Moore proclaimed the ordinance adopted.

Council President Trelstad read by title and moved **Agenda Item H, Old Business (2) — Public Hearing and Adoption: Ordinance 2012-14, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 19 OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974” REGARDING MOTOR VEHICLES AND TRAFFIC.**

Council President Trelstad stated that Ordinance 2012-14 concerns two-hour parking on the south side of Westcott Road between Route 206 and Wilson Road.

Councilwoman Crumiller seconded.

Councilwoman Butler questioned the complaints that resulted in Ordinance 2012-14. Mr. Bruschi stated most of the complaints were delivered to the Engineering Department. Councilwoman Butler wanted Council to address the root of the problem by identifying the all-day parkers and finding another parking solution for them. She proposed two-hour parking throughout the Borough (except on metered streets).

Council President Trelstad hoped the street-by-street parking situation will be addressed by the new town.

Mayor Moore observed that all-day street parking alters the character of the neighborhood.

Councilwoman Crumiller thought Borough streets should not be parking lots for businesses that do not provide their own.

Seeing no one further, Mayor Moore closed the public discussion and returned to Council. Hearing no comment, Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Crumiller, and Howard voted in the affirmative. Council members Butler and Martindell voted nay. Mayor Moore proclaimed the ordinance adopted.

Council President Trelstad read and moved **Agenda Item I, New Business (1, 2, 3) — Resolution 2012-R228, 2012-R229, 2012-R230** as follows:

**RESOLUTION 2012-R228
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON,
COUNTY OF MERCER, STATE OF NEW JERSEY
TO AUTHORIZE THE BOROUGH OF PRINCETON STAFF TO PROCESS AN INVOLUNTARY
DISABILITY RETIREMENT APPLICATION**

WHEREAS, the Borough of Princeton has employed Juan R. Hernandez, as a laborer in its Department of Public Works; and,

WHEREAS, Mr. Hernandez is an active member of the Public Employees' Retirement System ("PERS"); and,

WHEREAS, Mr. Hernandez has 13 years 0 months of PERS Service Credit; and,

WHEREAS, the Borough staff is of the opinion that Mr. Hernandez is totally and permanently disabled and no longer can perform his assigned duties based on the documentation supplied by professionals retained by the Borough; and,

WHEREAS, the Borough is unable to provide an alternative to the PERS covered position with duties capable of being performed by said laborer; and,

WHEREAS, the Borough has consented to the processing of the Involuntary Disability Retirement application; and,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council that the Borough Administrator process an Involuntary Disability Retirement application for Mr. Hernandez, laborer in the Borough's Department of Public Works; and,

BE IT FURTHER RESOLVED the certified copies of this Resolution shall be forwarded to all parties involved in the administration of this action.

**RESOLUTION 2012-R229
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A SHARED SERVICE AGREEMENT WITH THE COUNTY OF MERCER
EMERGENCY SERVICES COMMUNICATIONS CENTER FOR
FIRE DISPATCH SERVICES**

WHEREAS, the Mayor and Council have been by the County of Mercer that the Mercer County Emergency Services Communications Center is able to assist the Borough of Princeton in providing telecommunication services for fire emergencies;

WHEREAS, the Borough of Princeton wishes to enter into an agreement with the County of Mercer, Emergency Services Communications Center in an effort to receive, without charge, transferred 911 calls, to assist in the dispatch of fire apparatus and provide operational communications for the fire service community in the municipality as need.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton, the Borough of Princeton is authorized to enter into an agreement for interlocal services with the County of Mercer Emergency Services Communications Center for the provision of Fire Dispatch Services.

**RESOLUTION 2012-R230
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY THE PRINCETON UNIVERSITY'S
OFFICE OF COMMUNITY AND REGIONAL AFFAIRS**

WHEREAS, the Princeton University's Office of Community and Regional Affairs to advertise their annual Community and Staff Day being held on Saturday, November 3, 2012; and

WHEREAS, the Princeton University's Office of Community and Regional Affairs has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Monday, October 29, 2012 through Monday, November 5, 2012 to advertise this program to the entire Princeton Community; 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.

Councilman Martindell seconded. Council accepted unanimously five to zero.

Council President Trelstad read and moved **Agenda Item J, Bill List for August 14, 2012 — Resolution 2012-R231** as follows:

**RESOLUTION 2012-R231
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE AUGUST 14, 2012 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 (12-01)	5,931,814.44
CURRENT ACCOUNT (11-01)	674.50

August 14, 2012

RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	21,594.34
PARKING UTILITY OPERATING FUND (11-05)	
AFFORDABLE HOUSING OPERATING ACCT (12-24)	59,446.00
AFFORDABLE HOUSING OPERATING ACCT (11-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	
CAPITAL ACCOUNT (C-04)	64,215.46
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	15,276.64
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	1,881,638.92
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	92.54

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

Councilman Martindell seconded and Council approved unanimously.

Council President Trelstad moved to adjourn and Councilman Martindell seconded. There being no further business, Mayor Moore adjourned the open session meeting at 8:50 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk