

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
January 8, 2008
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Margaret Karcher, Councilwoman Winifred Benchley, Councilman David Goldfarb, Councilman Andrew Koontz, Councilman Roger Martindell, Councilwoman Barbara Trelstad, and Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer Christopher M. Budzinski, Borough Attorney Karen L. Cayci, Deputy Borough Clerk Delores A. Williams

Mayor Trotman called the meeting to order at 7:00 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 January 8, 2008, 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 2008-R31** as follows:

**RESOLUTION 2008-R31
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON JANUARY 8, 2008**

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

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, which was seconded by Councilwoman Benchley and approved by Council members Karcher, Benchley, Goldfarb, Koontz, Martindell, and Trelstad. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

Borough Council recessed into closed session.

At 7:30 P.M. Council reconvened into open session.

Mayor Trotman asked all present to rise for the salute to the flag.

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

Presented for approval were the minutes of the joint session of November 1, 2007.

Councilman Koontz moved to approve the minutes of the joint session of November 1, 2007, Councilman Goldfarb seconded, and Council approved unanimously.

Presented for approval were the minutes of the open session of December 11, 2007.

Councilwoman Benchley moved to approve the minutes of the open session December 11, 2007, Councilwoman Trelstad seconded, and Council approved unanimously.

Mayor Trotman read **Agenda Item F, Summary — Closed Session Discussion — Robert W. Bruschi, Borough Administrator**

Robert Bruschi, Borough Administrator, reported that Council discussed strategy and scheduling of ongoing negotiations with NHKT and decided to meet in closed session at 5:30 P.M. on January 22, 2008, to finalize Borough's position prior to another meeting with NHKT.

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

Councilman Martindell noted the ongoing water problems at the Spring Street garage and asked about the status of repair work. Mr. Bruschi replied that he will provide to Council a progress report and updated punch list from Tim Haahs, Garage Consultant.

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

Mayor Trotman read **Agenda Item H, Report (1) — Annual Tree Removal Report — Christopher Budzinski, Borough Engineer**

Christopher Budzinski, Borough Engineer, summarized the report that 126 trees were removed in 2007 at the request of homeowner or developer (not the Borough). No one was cited for removing trees without permission.

Councilwoman Benchley recommended strengthening the tree removal ordinance because the current ordinance, essentially, gives the Borough no power to refuse a request to cut down a tree. Council asked Borough Attorney Karen Cayci to review variables such as run-off, sustainability, and so forth. Mr. Budzinski suggested instituting a fee for evaluation of tree removal requests. Councilman Koontz asked that replacement trees be inventoried on the tree removal report in the future. Council President Karcher noted that state certified tree experts can determine the health of any tree without removal of a limb. Councilwoman Benchley stated the Shade Tree Commission membership includes certified tree experts who would volunteer to appraise trees.

Mayor Trotman read **Agenda Item I, New Business (1) – Resolution 2007-R32** as follows:

**RESOLUTION 2008-R32
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING STREET IMPROVEMENTS FOR
PRINCETON UNIVERSITY SHUTTLE SYSTEM**

WHEREAS, the Borough of Princeton has received a request from James Britt Jr., attorney representing Princeton University, dated December 11, 2007 for the installation of several improvements within the public right of way of two Borough streets in conjunction with the operation of the Princeton University shuttle system, specifically pavement markings on Olden Street and a sign on Prospect Street; and

WHEREAS, the Borough Engineer has reviewed this request and has conditionally approved said improvements, outlined in a letter dated December 17, 2007 to Mr. Britt; and

WHEREAS, Princeton University will be responsible for the installation of the improvements as well as all future maintenance of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton hereby approves the installation of the aforementioned improvements pursuant to the approval letter of December 17, 2007 for the Borough Engineer.

Councilman Koontz moved to approve Resolution 2007-R32. Councilman Goldfarb, thanking the University for the initiative, seconded. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (2) – Resolution 2007-R33** as follows:

**RESOLUTION 2008-R33
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A FINAL INSPECTION OF TRAFFIC SIGNALS**

WHEREAS, the Mayor and Council wish to engage **Orth Rodgers Associates Inc.**, 810 Bear Tavern Road, Suite 307, West Trenton New Jersey 08628 (the “Provider”) for the performance by the Provider of professional services in connection with certain activities being conducted by the Borough as more fully described below; and

WHEREAS, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

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

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

The Provider will be providing Engineering Services, specifically final inspection of various traffic signals, as outlined in the attached proposal of December 20, 2007 noted as Exhibit A.

Under this contract, the 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 Agreement will be effective through December 31, 2008, unless sooner terminated as provided hereafter.

The Borough shall pay the Provider the following compensation:

- a. An amount not to exceed Fifteen Hundred Dollars (\$1,500.00) in accordance with the amount quoted for said services in Exhibit A referenced above. The work authorized by this Agreement shall be funded from the Capital budget and Escrow account. A brief description of the work completed shall be submitted with each invoice.
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. 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 Princeton Packet as required by law within ten (10) days of its passage.
5. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

Councilman Koontz moved to approve Resolution 2007-R33, Councilwoman Benchley seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (3) – Resolution 2007-R34** as follows:

**RESOLUTION 2008-R34
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING THE CONTRACT KNOWN AS
“PLACEMENT AND REMOVAL OF
SOLID WASTE DUMPSTERS – BEGINNING JANUARY 2008”
TO CENTRAL JERSEY WASTE & RECYCLING, INC.**

WHEREAS, the Princeton Sewer Operating Committee has solicited bid proposals for the weekly placement and removal of solid waste dumpsters for the Solid Waste Convenience Center on River Road for a one (1) year term to commence on or about January 1, 2008 and ending December 31, 2008; and

WHEREAS, all bid proposals were opened on December 11, 2007; and

WHEREAS, the Borough received the following six (6) bids:

Central Jersey Waste & Recycling, Inc. in the amount of \$53,520.00;

T.C.M. Contractors in the amount of \$54,400.00;

Carnevale Disposal Company, Inc. in the amount of \$55,880.00;

Future Sanitation, Inc. in the amount of \$55,900.00;

J. Vinch & Sons, Inc. in the amount of \$56,720.00;

Waste Management of New Jersey, Inc., \$68,000.00; and

WHEREAS, it is the recommendation of the Manager of the Princeton Sewer Operating Committee that the contract be awarded to Central Jersey Waste & Recycling, Inc., 432 Stokes Avenue, Ewing, New Jersey 08638, as the lowest responsible bidder; and

WHEREAS, the Borough’s Chief Financial Officer has certified that funds are available for the purposes set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that a Contract be awarded to Central Jersey Waste & Recycling, Inc., 432 Stokes Avenue Ewing, New Jersey 08638, for weekly placement and removal of 30 cubic yard solid waste dumpsters to be located at

the Municipal Convenience Center on River Road for the period beginning January 1, 2008 and ending December 31, 2008, in a total amount not to exceed \$53,520.00, said amount to include all disposal charges for the period.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

Councilman Goldfarb moved to approve Resolution 2007-R34, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (4) — Resolution 2007-R35** as follows:

**RESOLUTION 2008-R35
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A SERVICE AGREEMENT WITH
SOMERSET COUNTY COUNCIL ON AFFORDABLE HOUSING (SCCOAH)**

WHEREAS, the Borough wishes to enter into an agreement with **Somerset County Coalition on Affordable Housing (SCCOAH)**, a nonprofit collaboration of business, financial institutions, social service agencies, public officials and housing advocates, (the "Provider"), for the performance by the Provider of professional services in connection with the marketing and qualification of tenants for affordable housing units; and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

WHEREAS, the services to be performed are services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.,

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 the aforesaid services with **Somerset County Coalition on Affordable Housing (SCCOAH)**

1. The contract so authorized shall require SCCOAH to provide services and other related duties, as follows:

To serve as the Administrative Agent for the Borough of Princeton and to administer and enforce affordability controls as provided in N.J.A.C. 5:80-26.14, for certain housing units as more fully set forth in the contract:

Under this contract, the Provider shall at all times act as an independent 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.

2. The Borough shall pay the Provider the following compensation:
An amount not to exceed Nineteen Thousand Two Hundred Dollars (\$19,200.00).

3. 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.

4. 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.

5. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

6. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

Councilman Koontz moved to approve Resolution 2007-R35, Councilwoman Benchley seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (5-7) — Resolutions 2007-R36, 2007-R37, and 2007-R38** as follows:

**RESOLUTION 2008-R36
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A SERVICE AGREEMENT WITH
SOMERSET COUNTY COUNCIL ON AFFORDABLE HOUSING (SCCOAH)**

WHEREAS, the Borough wishes to enter into an agreement with **Somerset County Coalition on Affordable Housing (SCCOAH)**, a nonprofit collaboration of business, financial institutions, social service agencies, public officials and housing advocates, (the "Provider"), for the performance by the Provider of professional services in connection with the marketing and qualification of tenants for affordable housing units; and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

WHEREAS, the services to be performed are services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.,

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 the aforesaid services with **Somerset County Coalition on Affordable Housing (SCCOAH)**

1. The contract so authorized shall require **SCCOAH** to provide services and other related duties, as follows:

To provide services to market and qualify tenants for four moderate income non-age restricted, affordable housing rental units, as more fully set forth in the contract.

Under this contract, the Provider shall at all times act as an independent 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.

2. The Borough shall pay the Provider the following compensation:
An amount not to exceed Two Thousand Five Hundred Dollars (\$4,800.00) .

3.. 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.

4. 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.

5. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

6. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**RESOLUTION 2008-R37
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF POLE BANNERS
AS REQUESTED BY THE
PRINCETON UNIVERSITY ART MUSUEM**

WHEREAS, The Princeton University Art Museum is planning their major spring exhibition, *An Educated Eye* beginning February 23, 2008 and

WHEREAS, The Princeton University Art Museum has requested permission to install four pole banners on Nassau Street with the approval of the Office of Community and State Affairs at Princeton University beginning February 15th through April 15th , 2008 to advertise the Art Exhibition; and

WHEREAS, if no other organization is granted approval for placement from the Mayor and Council permission will be extended to The Princeton University Art Museum through June 15th, 2008; 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 2008-R38
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING RAFFLE LICENSE RA:320
TO HOMEFRONT INC**

WHEREAS, the HOMEFRONT INC submitted a raffle application to the Borough Clerk on December 20, 2007; 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 January 8, 2008; and

WHEREAS, HOMEFRONT INC, 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 raffle license RA: 320 for HOMEFRONT, INC be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the Finding and Determinations for RA: 320 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

Councilman Koontz moved to approve Resolutions 2007-R36, 2007-R37, and 2007-R38.

Council went over various issues regarding affordable housing, and Mr. Bruschi promised to obtain a summary of the Borough's 2007 efforts from Land Use Development Official Derek Bridger. Councilman Koontz pointed out that any affordable housing discussion should be on an agenda for public participation.

Councilwoman Benchley seconded the motion to approve Resolutions 2007-R36, 2007-R37, and 2007-R38. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (8) — Resolution 2007-R39** as follows:

**RESOLUTION 2008-R39
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING ALCOHOLIC BEVERAGE LICENSE RENEWAL
FOR THE LICENSING PERIOD OF 2007-2008**

BE IT RESOLVED by the Mayor and Council of the Borough of Princeton:

1. Application having been duly made, the following applicant has received Consent Order Permitting The Renewal Of An Inactive License Pursuant To N.J.S.A. 33:1-12.39 from the Director of the Division of Alcoholic Beverage Control (Special Ruling) and is hereby adjudged to be entitled to the alcoholic beverage license renewal for the 2007-2008 license term with special conditions imposed and on file with the Borough Clerk of the Borough of Princeton.

PLENARY RETAIL DISTRIBUTION LICENSE

FEE \$2,500

1109-44-015-006

COOL VINES PRINCETON, LLC
T/A COOL VINES

2. The Borough Clerk is hereby authorized and directed to sign, and hold license certificate in accordance with the foregoing on behalf of the Mayor and Council of the Borough of Princeton.

Councilwoman Trelstad moved to approve Resolution 2007-R39, Councilwoman Benchley seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (9) – Resolution 2007-R40** as follows:

**RESOLUTION 2008-R40
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE 2007 THROUGH 2009 COLLECTIVE NEGOTIATIONS AGREEMENT WITH
NEW JERSEY STATE POLICEMEN’S BENEVOLENT ASSOCIATION, INC., LOCAL 130,
SUPERIOR OFFICERS’ ASSOCIATION**

WHEREAS, there is a need for the Borough of Princeton and the Superior Officers to enter into a Collective Negotiations Agreement; and

WHEREAS, the parties entered into negotiation and as such an agreement was made for the period of January 1, 2007 through December 31, 2009.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are hereby authorized and directed to execute an Agreement with PBA Local 130, Superior Officers Association substantially in the form attached hereto.

1. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
2. An executed copy of this Agreement between the Borough and the New Jersey State Policemen’s Benevolent Association, Inc. Local 130, Superior Officers Association and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.
3. An executed copy of this Agreement between the State Policemen’s Benevolent Association, Inc. Local 130, Superior Officers Association and a copy of this Resolution shall be forwarded to State of New Jersey Public Employers Relations Commission.

Councilwoman Trelstad moved to approve Resolution 2007-R40; Councilwoman Benchley seconded.

Councilman Goldfarb commented that the high salaries and tremendous benefits for police officers are determined by the New Jersey legislature and Borough is powerless over its own police budget. Council’s only recourse is to refuse to promote. Councilman Goldfarb stated that the same is true throughout New Jersey, but the League of Municipalities is a weaker lobbyist than police unions.

Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Trelstad voted in the affirmative. Mr. Martindell voted nay. Mayor Trotman proclaimed the motion carried five to one.

Mayor Trotman read **Agenda Item I, New Business (10) – Introduction and Order to Publish: Ordinance 2008-01 ORDINANCE CONCERNING SALARIES AND COMPENSATION OF POLICE SUPERIOR OFFICERS OF THE BOROUGH OF PRINCETON**

January 8, 2008

Councilman Koontz read by title and moved to introduce Ordinance 2007-01, and Councilwoman Benchley seconded. Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Trelstad voted in the affirmative. Mr. Martindell voted nay. Mayor Trotman proclaimed the ordinance introduced, with a public hearing to be held January 22, 2008.

Councilman Koontz moved to adjourn; Councilwoman Benchley seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 8:10 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk