

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
June 4, 2008**

**Regular Meeting  
Closed Session 7:00 P.M.  
Open Session 7:30 P.M.**

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

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, Kevin Kerrigan of Tim Haahs Associates, and Borough Clerk Andrea Lea Quinty

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 June 4, 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-R157**, as follows:

**RESOLUTION 2008-R157  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON JUNE 4, 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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Council President Karcher moved to approve; Councilman Goldfarb seconded. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

Borough Council recessed into closed session.

At 7:32 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 May 27, 2008.

Councilman Koontz moved to approve the minutes of the open session May 27, 2008, Councilman Goldfarb seconded, and Council approved unanimously.

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

Mr. Bruschi reported that Council discussed fine tuning the NHKT estoppel agreements.

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.

There were no public presentations.

Mayor Trotman read **Agenda Item H, Correspondence (1) — Borough Traffic and Transportation Committee (T/T) Re: Princeton University Development in Princeton Borough — Sandy Solomon, Chair T/T Committee**

Ms. Solomon presented the Traffic and Transportations comments regarding the University's proposal to (1) move the Dinky farther from downtown and (2) build a large garage on the east side. T/T expressed concern that the University lacks vision about the impact of such changes on traffic congestion and public safety.

T/T Committee recommended:

1. University to provide detailed plans for public review
2. Council to prohibit University action pending community acceptance of the plans

Council agreed that better ridership information is needed and suggested asking the Planning Board for another independent traffic consultant study.

Kristen Appleget of Princeton University noted that the University paid for traffic consultation for the Planning Board. Ms. Appleget stated that University is actively involved in

transportation issues. She offered to provide the University's view on local sustainability as related to transport at a public presentation.

Arch Davis, T/T member and former committee chairman, observed that "works in progress" can easily become "*fais accomplis*." He stated that a recommendation to create a new entrance to campus at Alexander had been based on inaccurate evidence leading to incorrect conclusions. He suggested seeking a second or third planning organization's plan. Mr. Davis mentioned "hybrid parking"—different *layers* of parking options such as a remote lot plus close-in lots.

Anton Lahnston, T/T member, mentioned disturbing citizen "resignation" toward town/gown matters. He asked Borough Council to step up to vigorous leadership for the entire community regarding traffic flow and parking flow throughout town. He noted total alignment among T/T members on the issue of apathy toward University proposals.

Marvin Israel, Madison Street, questioned concern about Alexander traffic versus the broader issue of a large new apartment building in town center. He suggested town and gown *combined* parking at the Alexander Street/University Place intersection.

Mayor Trotman thanked Ms. Sandy Solomon for her many years of excellent service to the Borough of Princeton and the Princeton Community. Ms. Solomon had resigned her position as she was moving out of town.

Mayor Trotman read **Agenda Item I, Report (1) — Spring Street Garage 2007 Financial Report** — *Robert W. Bruschi, Borough Administrator*

Mr. Bruschi reported that actual parking revenues were lower than anticipated due to variations in rate implementation. Garage parking briefly flattened but has increased in 2008. Mr. Bruschi noted that delayed construction of Building C adversely affected garage revenues. (Enforcement income declined with increased garage parking—a consideration for future budgetary planning.)

Councilman Goldfarb stressed the need to reduce garage operating costs by reducing personnel.

Mr. Bruschi underscored internal efforts to staff the garage appropriately, noting that some employment decisions are driven by a public relations perspective.

Councilman Martindell compared actual 2007 figures to 2003 projections. Mr. Bruschi said he had studied the elements and had not found a glaring factor that affected forecasts.

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

Mark Alexandridis, Princeton Avenue, mentioned inconsistency in presentation over the years. He distributed a spreadsheet showing cumulative shortfall to taxpayers—relative to two lost surface lots—totaling \$3.1 million through 2007: In other words, taxpayers contributed \$3.1 million to the project. (Council members disagreed—noting, among other factors, that Park N Shop land was contaminated and DEP would have *required* the lot's closure within 15 years.)

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Mr. Alexandridis asked if anyone could demonstrate that the downtown development will *ever* break even.

Mr. Bruschi pointed out intangibles for the public such as the plaza and new library.

Mr. Alexandridis asked Council to commit to raising parking fees every three years.

Eleanor Lewis, owner of 108–110 Linden Lane, observed that higher gas prices will lead to fewer parkers and lower revenue. She complained that Council had treated interested residents as “trash” prior to downtown construction.

Seeing no one further, Mayor Trotman closed the public discussion of the financial portion of the Spring Street garage report and returned to Council.

Mr. Bruschi began the segment of the presentation titled “Project and Garage Floor Status.” He introduced Christopher M. Budzinski, Borough Engineer, and Kevin Kerrigan, representing Tim Haahs Associates, and provided a brief history of the floor (or “slab”) problem.

Mr. Bruschi repeated some frequently asked questions and assured the audience that structural issues are resolved and most leaking controlled. Mr. Kerrigan noted that minor leaks, which should be expected for the life of the garage, must be repaired at least yearly to avoid future corrosion of the concrete reinforcing and eventual structural impairment.

Councilman Goldfarb noted that more leaks can now be expected than if the garage had been designed and constructed properly at the outset.

Councilman Martindell was troubled that Mr. Kerrigan’s September 10, 2007, letter was silent on the effect of leaks on the long-term structural integrity of the garage (aside from resolution of hydrostatic pressure on the basement slab).

Council President Karcher asked the basis of *four feet* as the level for the perimeter drain system. Mr. Kerrigan replied that a geotechnical study estimated the site’s water elevation; actual water levels were higher after displacement from construction occurred. Council President Karcher questioned the difference in cost had the original estimate been accurate. Mr. Kerrigan stated that an initial thicker slab would have been less costly than the tie-down method eventually used.

Councilman Goldfarb wondered if the garage drains should be lower to optimize their effectiveness. Mr. Budzinski said there would be drainage improvement, but the cost would far outweigh the benefit.

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

Mr. Israel, comparing Spring garage to similar garages in the area (all above ground) which do not have water problems, stated that adjacent apartment structures’ parking requirements and downtown building height restrictions cause the need for a basement level and resultant leaks. Creation of more downtown dwellings will only exacerbate the problem. Mr. Israel

recommended immediate cancellation of the contract with NHKT and total distrust of all engineering suggestions (especially about going underground) associated with the original design.

Mr. Davis reiterated historical knowledge of downtown water tables and that that knowledge was disregarded in design of the garage. He concluded that the life of the garage will be less than under the ordinary dry conditions anticipated by designers.

Ms. Lewis asked Mr. Budzinski about a vile odor in low levels of the garage. Mr. Budzinski was unaware of an odor; he agreed to investigate.

Ken Ipell, consultant for NHKT, stated that ordinary chemicals (paint, for example) used in the garage have odors.

Barry Weisfeld, Princeton Record Exchange and Lincoln Court apartments (also speaking for Jan Weinberg and Mr. LaPlaca, Tulane property owners), has noticed more flooding since the garage is displacing more water. The Tulane neighbors are worried about more construction under ground. Mr. Bruschi stated that a planned basement for Building C has been cancelled.

Mr. Travis Lenderman reviewed downtown parking problems and possible solutions for downtown workers. The merchants like the garage; their customers have learned about it and use it. Merchants appreciate the positives (more merchants, more promotions, more attractions) that will come with Building C and encourage Council to proceed.

Sheldon Sturges read a statement from Princeton Future. Though not knowledgeable about the financial aspects of Phase II, Princeton Future was actively involved in the creation of and supports the plan. People should live and shop in downtown. On September 20, 2008, Princeton Future will hold an open meeting at the Arts Council auditorium to discuss new ways for the community and its government to work together on projects like this in the future.

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

Mayor Trotman referred to the financial analysis offered by Mr. Alexandridis and stated that lack of oral response from Council and herself, lacking opportunity to review the material, should not be interpreted as acquiescence to the ideas presented.

Mayor Trotman read by title **Agenda Item J, Old Business (1) — Public Hearing and Adoption: Ordinance 2008-17 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 15, GARBAGE AND REFUSE OF THE CODE OF THE BOROUGH OF PRINCETON NEW JERSEY 1974.**

Councilman Koontz moved to adopt Ordinance 2008-17; Council President Karcher seconded.

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 Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read **Agenda Item K, New Business (1 - 5) — Resolutions 2008-R158, 2008-R159, 2008-R160, 2008-R161, and 2008-R162** as follows:

**RESOLUTION 2008-R158  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
ENGINEERING DESIGN OF WESTCOTT ROAD**

**WHEREAS**, the Borough had previously entered into an agreement as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-20.5 with Adams, Rehmann and Heggan Associates. Inc., (the "Provider") for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

**WHEREAS**, the Borough wishes to again retain the Provider to complete additional design services for the design of Westcott Road; and

**WHEREAS**, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit the Provider from making any reportable contributions through the terms of the contract, 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 professional services which are exempt from public bidding under the Local Public Contracts Law. N.J.S.A. 40A:11-1 et seq., and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for additional design services for Westcott Road.

The Borough shall pay the Provider an amount not to exceed Fifteen Thousand Five Hundred Dollars (\$15,500.00).

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.

2. 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.

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

4. 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-R159  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
ARCHITECTURAL DESIGN FOR PUBLIC WORKS GARAGE RENOVATIONS**

**WHEREAS**, the Borough had previously entered into an agreement dated August 7, 2007 as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-20.5 with Steven S. Cohen Architect, P.C., (the "Provider") for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

**WHEREAS**, the previous agreement had expired on December 31, 2007 and the Borough wishes to continue to retain the Provider to complete the project; and

**WHEREAS**, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit the Provider from making any reportable contributions through the terms of the contract, 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 professional services which are exempt from public bidding under the Local Public Contracts Law. N.J.S.A. 40A:11-1 et seq., and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for continued work on the architectural design and bid documentation preparation in connection with renovation of the Princeton Borough Public Works Garage

There is no additional fee for this contract extension

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.

2. 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.

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

4. 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-R160  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
DESIGN OF HARRISON STREET PARK**

**WHEREAS**, the Borough had previously entered into an agreement dated July 10, 2007 as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-20.5 with Edgewater Design LLC, (the "Provider") for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

**WHEREAS**, the previous agreement had expired on December 31, 2007 and the Borough wishes to continue to retain the Provider to complete the project; and

**WHEREAS**, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit the Provider from making any reportable contributions through the terms of the contract, 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 professional services which are exempt from public bidding under the Local Public Contracts Law. N.J.S.A. 40A:11-1 et seq., and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with

the Provider for continued work on the conceptual design and preparation of bid documents for the rehabilitation of Harrison Street Park

There is no additional fee for this contract extension

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.

2. 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.

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

4. 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-R161  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
OPPOSING S-1137 WHICH EXPANDS THE SCOPE OF NEGOTIATIONS**

**WHEREAS**, Governing bodies are concerned about their ability to manage their employees using methods in the most appropriate and efficient manner possible; and

**WHEREAS**, Governing bodies further believe that it is an employers right to hire, promote, transfer, assign or retain employees in positions deemed necessary and appropriate; and

**WHEREAS**, Senate Bill No. 1137 would re-define the New Jersey Public Employment Relations Commission (PERC) law by adding new mandatory subjects of collective bargaining and issues that have been historically non-negotiable would become negotiable; and

**WHEREAS**, these changes are imposed on governing bodies while under severe financial stress, and the State announced plans to substantially reduce or eliminate State aid to many municipalities; and

**WHEREAS**, S-1137 would increase the time and cost of negotiations which costs ultimately falls on our beleaguered property taxpayers.

**NOW THEREFORE BE IT RESOLVES** that the Mayor and Council of the Borough of Princeton adamantly oppose adoption of S-1137 which impinges on local management prerogatives, would potentially result in protracted costly negotiations and advances encroachments by public unions.

**BE IT FURTHER RESOLVED**, a certified copy of this resolution is hereby forwarded to Governor Jon Corzine, Senator Shirley Turner, Assemblyman Reed Gusciora, Assemblywoman Bonnie Watson-Coleman and the New Jersey State League of Municipalities.

**RESOLUTION 2008-R162  
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>
7.01	3		Sipprelle, Scott M & Tracy H	15 Hodge Road	\$61.29
10.02	46		Goheen, Robert F & Margaret S	1 Orchard Circle	\$30.39
20.08	55.06	C55F	Van Fraassen, Bastiaan	55 Palmer Sq West Unit F	\$66.93

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			c/o Philosophy Dept Princeton, NJ 08544		
23.02	23		Wolfe, William A & Elizabeth	50 Hawthorne Ave	\$10.00
27.04	28.21	CR1	O'Brien, Michael Joseph 385 Highland Ave Apt 2 Somerville, MA 02144	140 Nassau St	\$84.01
32.12	6	CB1	McMillan, Beryl C	1 Gordon Way	\$7.00
36.01	23		Knapp, Barclay	17 Hibben Road	\$477.97
56.03	63		Knapp, Barclay & Rebecca	58 Cedar Lane	\$148.80

Due to overpayment of 2008 taxes.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the tax refunds as presented.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the CFO, Tax Assessor and Tax Collector.

Councilman Koontz moved to approve Resolutions 2008-R158, 2008-R159, 2008-R160, 2008-R161, and 2008-R162; Council President Karcher seconded; Borough Council approved unanimously.

At 10:13 P.M. Councilwoman Trelstad moved to return to closed meeting and Councilman Koontz seconded. Council agreed unanimously.

At 10:37 p.m. Council resumed the open session, at which time Councilman Koontz moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 10:38 P.M.

Respectfully submitted,

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