

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
August 5, 2008
Regular Meeting
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, Princeton Sewer Operating Committee Manager Robert A. Hough, Project Engineer Donald Mayer-Brown, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:37 P.M.

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 July 1, 2008.

Councilman Goldfarb moved to approve the minutes of the open session of July 1, 2008; Councilwoman Trelstad seconded; and Council approved unanimously.

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.

Councilman Martindell asked Robert Bruschi, Borough Administrator, the status of the Borough's billing to Princeton Township for 2006. Mr. Bruschi expected payment within a few months. Mr. Bruschi said processing 2007 debt will begin immediately following resolution of 2006 items. Regarding the Northridge dispute, attorneys met seeking an arbitrator.

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

Mayor Trotman read **Agenda Item F, Report (1) — Implementation of Geographic Information System (GIS)** — *Christopher Budzinski, Borough Engineer/Donald Mayer-Brown, Project Engineer*

Christopher Budzinski, Borough Engineer, introduced the GIS system. Donald Mayer-Brown, Project Engineer, narrated a GIS slide show reviewing definitions, uses, and present status. He explained that GIS will be a helpful tool in improving Borough's ability to retrieve information

and manipulate that information to achieve various goals. Mr. Mayer-Brown noted that GIS has already replaced paper maps with digital maps linked (or to be linked) to tax maps and zoning maps—to name two applications.

Councilman Wilkes stated that workers in the field will access GIS for immediate information management (“the days of big file drawers and paper drawings are over”).

Councilman Martindell inquired as to Princeton Township’s status with GIS, concerned that if Borough advances technologically projects will not be easily integrated, resulting in two parallel systems. (Mayor Trotman asked Mr. Bruschi to follow up with Township to determine Township’s status.) Councilman Wilkes countered that Borough should push forward to have the best system and most organization of Borough data possible—regardless of Township’s progress.

Councilman Goldfarb emphasized the joint nature of sewer system mapping, noting other areas (such as health) where both entities need access to updated, accurate, current information.

Mayor Trotman read **Agenda Item G, Public Hearings (1a) — Final Improvement Assessment – Project 01-01 — Resolution 2008-R197.**

**RESOLUTION 2008-R197
MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
CONFIRMING REPORT OF THE SIDEWALK IMPROVEMENT OFFICER
FOR CAPITAL PROJECT 2001 - 01**

WHEREAS, by Ordinance 2000-17 entitled BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$3,207,603 THEREFOR, AUTHORIZING THE ISSUANCE OF \$3,047,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, adopted September 12, 2000; and

WHEREAS, by Ordinance 2001-15 entitled BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,674,488 THEREFOR, AUTHORIZING THE ISSUANCE OF \$1,591,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, adopted November 27, 2001; and

WHEREAS, by Ordinance 2002-14 entitled BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,232,281 THEREFOR, AUTHORIZING THE ISSUANCE OF \$2,121,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, adopted August 13, 2002; and

WHEREAS, by Ordinance 2002-16 entitled BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$197,880 THEREFOR, AUTHORIZING THE ISSUANCE OF \$187,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF, adopted September 24, 2002,, sidewalk improvements were authorized to be undertaken and the cost thereof was directed to be assessed against the properties in accordance with law; and

WHEREAS, pursuant to said ordinance said local improvements were completed and referred to the Borough Engineer of the Borough of Princeton for the making of such assessments, all in accordance with the provisions of Chapter 65 of Title 40 of the Revised Statutes; and

WHEREAS, said Borough Engineer did thereafter make such assessments and report thereon to the Mayor and Council of the Borough of Princeton as required by law; and

WHEREAS, said Mayor and Council has examined said report and assessments and has considered the same at a hearing after publication and notice to the owner or owners named in said report as required by law, and has found said report in all respects properly made;

NOW, THEREFORE, BE IT RESOLVED that the said report of the Borough Engineer be and the same is hereby confirmed and that such report be forthwith filed with the Collector of Taxes of the Borough of Princeton;

BE IT FURTHER RESOLVED, that the amounts apportioning the costs and expense of said improvements be and the same hereby are assessed upon the said owners of the lands fronting or bordering on said improvements as enumerated in the Report of the Sidewalk Improvement Officer, dated June 30, 2008, and that said assessments shall each be paid in not more than ten (10) equal, annual, consecutive installments, with interest thereon at the rate of four point five percent (4.5%) per annum on the 4th day of February of each year beginning 2009. The first of said installments shall be due and payable two months after the confirmation of the assessment. In the case of any such installment which remains unpaid for thirty (30) days from and after the date it shall become due and payable, the whole assessment or balance thereof shall become due and payable and shall draw interest at the rate imposed upon the arrearages of taxes in the Borough and shall be collected in the same manner provided by law for other past due assessments.

Mr. Bruschi noted that funding for the project occurred in 2001, with actual work transpiring in 2002. Mr. Budzinski stated that the punch list was finally completed in 2008. Mr. Budzinski pointed out two minor typographical errors in the resolution.

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

Hunter Labovitz, 50 Aiken Avenue (with Christine Graziano of 55 Aiken), reviewed Ordinance 2002-16 and objected that he was not notified and offered an opportunity to make repairs himself—he was not the property owner at that time. He stated that there is no provision in law for the Borough to charge a successor owner for improvements occurring prior to his ownership. Karen Cayci, Borough Attorney, informed Mr. Labovitz that the property's sales documents would have included responsibility for any pending assessments.

Councilman Goldfarb pointed out that change of ownership is not uncommon during an assessment process. Councilman Goldfarb told Mr. Labovitz that he has recourse against his title insurance investigator who failed to discover the pending Borough improvement assessment (*not* a pending lien). Andrea Quinty, Borough Clerk, offered to research inquiries to the clerk's office about 50 Aiken for Mr. Labovitz.

Councilman Martindell suggested waiving the charge for the two owners who came to the public hearing. Mr. Labovitz stated willingness to pay the fee if his responsibility to do so can be established under the laws of New Jersey. Mayor Trotman promised to provide Mr. Labovitz with all pertinent information within two weeks, with payment due in two months after passage. Councilman Martindell proposed Council adopt the resolution, give the successor homeowners the information requested, and revisit the issue if proved that successor homeowners were improperly assessed. It was established that if both homeowners wished to appeal after receiving information letter they would write to Mayor Trotman.

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

Councilman Goldfarb moved to accept the report of the sidewalk improvement officer and Councilman Koontz seconded. Mayor Trotman proclaimed the motion carried unanimously.

Council returned to the GIS topic and discussed various implementations. 80% of GIS users access 20% of the system; retrieval of that 20% is simple and straightforward.

Mayor Trotman read **Agenda Item H, Old Business (1) — Resolution 2008-R151** as follows:

**RESOLUTION 2008-R151
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD
FOR PROFESSIONAL SERVICES IN CONNECTION
WITH A GIS WORK PLAN**

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 Civil Solutions, a division of 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, said Agreement has now expired; and the Borough wishes to again retain the Provider to complete its services for GIS work plan; 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 Borough GIS system to develop base mapping and implementation, maintenance, expansion and on site assistance.

The Borough shall pay the Provider an amount not to exceed Forty Eight Thousand Eight Hundred Fifty Dollars (\$48,850.00).

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.

Councilman Koontz moved to approve Resolution 2008-R151, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read by title **Agenda Item I, New Business (1) — Introduction and Order to Publish: Ordinance 2008-22 A BOND ORDINANCE PROVIDING FOR RENOVATIONS**

TO THE PUBLIC WORKS GARAGE IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$275,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$261,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEROF.

Councilwoman Trelstad moved to introduce Ordinance 2008-22; Councilman Goldfarb seconded.

Council discussed timing the issuance of bonds in the face of accepting a bid—an extension may be requested from the contractor.

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 further 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 introduced with a public hearing to be held September 2, 2008.

Mayor Trotman read **Agenda Item I, New Business (2) — Resolution 2008-R198** as follows:

**RESOLUTION 2008-R198
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A 2008 LEASE AGREEMENT
FOR THE GRIGGS CORNER PARKING LOT**

WHEREAS, N.J.S.A. 40:60-25.2 permits any municipality to acquire by a lease or leases any land or lands therein for the purpose of making same available to the public for parking of vehicles; and

WHERE, pursuant to that statutory authority, the Mayor and Council of the Borough of Princeton have entered into Lease Agreements with the owners of Block 20.04, Lots 54 and 55 at the corner of Hulfish and Witherspoon Street for the purpose of providing metered parking; and

WHEREAS, pursuant to these leases, the Borough has maintained 25 metered parking spaces, which have generated appreciable revenue for the Borough, while providing much needed parking in the downtown area of Princeton Borough; and

WHEREAS, the Borough Administrator and Attorney concluded negotiations with the attorney for owners of the aforesaid property, E.A. Properties, LLC and Wendy Peterson Osborn, for the extension of the aforesaid Lease Agreement for the year 2008, resulting in a proposed increase of 5%; and

WHEREAS, the Borough Mayor and Council have reviewed the negotiated Lease Agreement, which is attached as Exhibit A providing for payments of \$6,685.35 each quarter, effective January 1, 2008, or a cost of \$26,741.40 for 2008; and

WHEREAS, the Borough Mayor and Council have determined that this rental is economical and fair to both the Borough and the property owners.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are hereby authorized to execute the attached Lease Agreement.

Councilman Koontz moved to approve Resolution 2008-R198, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (3) — Resolution 2008-R199** as follows:

**RESOLUTION 2008-R199
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough previously entered into a professional services agreement with Louis P. Rago, Esq., of DeCotiis, FitzPatrick, Cole & Wisler, LLP to serve as special legal counsel to the Regional Planning Board of Princeton; and

WHEREAS, Mr. Rago has now established his own law firm; and

WHEREAS, the Regional Planning Board has advised the Borough that it wishes to continue to use Mr. Rago's services through his new firm and has so advised the DeCotiis law firm; and

WHEREAS, the Borough wishes to enter into a revised professional services agreement with Mr. Rago to reflect the foregoing; 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 revised contract for professional services with Louis P. Rago, Esq., (hereinafter referred to as "Provider") to provide Special Legal Counsel from July 15, 2008 through December 31, 2008, 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 a consultant to the Regional Planning Board of Princeton to review and evaluate various land development applications as filed with the Board to the Provider, 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 telecommunications 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 the following compensation with a rate schedule of:

Legal review of applications and representation at meetings \$180.00 per hour; Matters of Litigation: \$180.00 per hour as needed.

Rendition of Invoices: 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.

Councilman Koontz moved to approve Resolution 2008-R199, Councilwoman Trelstad seconded. Mr. Bruschi clarified that Mr. Rago will continue to advise the Planning Board; he has established his own law firm, which Council must recognize in a resolution. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (4) — Resolution 2008-R200** as follows:

**RESOLUTION 2008-R200
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT**

WITH PRINCETON SENIOR RESOURCE CENTER

WHEREAS, the Borough of Princeton wishes to provide various services to Senior Citizens at the Suzanne Patterson Center, the Princeton Senior Resource Center and various outreach locations; and

WHEREAS, the Borough wishes to enter into a Services Agreement with Princeton Senior Resource Center (hereinafter "Provider") for the aforesaid services; and

WHEREAS, services to be performed may be retained by the Borough without public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. because the aforesaid services are extraordinary and unspicifiable in nature; and

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

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

1. The Mayor and Clerk are hereby authorized to enter into a Services Agreement with Provider with offices at 45 Stockton Street, Princeton, New Jersey 08540 to cover the period from January 1, 2008 to December 31, 2008.

2. The Agreement so authorized shall require the Provider to provide various programs and services to Senior Citizens, said services to be provided at the Suzanne Patterson Center, the Princeton Senior Resource Center and various outreach locations. The programs and services to be provided by the Provider will include:

- Information and referral services;
- Counseling and social services regarding entitlement and tax, legal and insurance assistance;
- Crisis intervention;
- Recreational and social activities;
- Volunteer visiting and support to the home bound;
- Education programs;
- Health promotions and screenings.

3. The Borough shall pay the Provider the following compensation:

The amount of One Hundred One Thousand Five Hundred Sixty and 00/100 Dollars (\$101,560.00), said amount to be paid in monthly instants of \$8,463.33

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 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 2008-R200, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (5 and 6) — Resolutions 2008-R201 and 2008-R202** as follows:

**RESOLUTION 2008-R201
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
HISTORICAL SOCIETY OF PRINCETON**

August 5, 2008

WHEREAS, The Historical Society of Princeton has planned their annual Princeton Fall Antiques and Fine Arts Show which is being held in September 2008 and

WHEREAS, The Historic Society of Princeton has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and State Affairs at Princeton University beginning Monday, September 15th through Monday, September 22, 2008 to advertise this annual fundraising event to the 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.

**RESOLUTION 2008-R202
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
PRINCETON UNIVERSITY COMMUNITY AND REGIONAL AFFAIRS**

WHEREAS, The Princeton University Department of Community and Regional Affairs has planned the University's fall Community And Staff Day being held on September 27, 2008 at the Princeton University Football Game; and

WHEREAS, Princeton University Department 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, September 22 through Monday, September 29, 2008 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 Koontz moved to approve Resolutions 2008-R201 and 2008-202, Councilman Martindell seconded, and Borough Council approved unanimously.

Councilman Koontz 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**