

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
September 8, 2009  
Regular Meeting  
Closed Session 7:00 P.M.  
Open Session 7:30 P.M.**

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

Absent: Councilwoman Margaret Karcher, Councilman Roger Martindell

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L.  
Cayci, Borough Engineer Christopher M. Budzinski, 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 September 8, 2009, 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 2009-R240**, as follows:

**RESOLUTION 2009-R240  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON SEPTEMBER 8, 2009**

**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 — Princeton University
2. Closed session minutes — July 14, 2009

**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 Koontz moved to approve; Councilman Wilkes seconded. Council members Koontz, Goldfarb, Trelstad, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

Borough Council recessed into closed session.

At 7:25 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 closed session of July 14, 2009.

Council President Koontz moved to approve the minutes of the closed session of July 14, 2009, Councilman Wilkes seconded, and Council approved unanimously four to zero.

Presented for approval were the minutes of the open session of August 11, 2009.

Councilwoman Trelstad moved to approve the minutes of the open session of August 11, 2009, Council President Koontz seconded, and Council approved unanimously with changes.

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

Travis Linderman, 43 Palmer Square, President of Borough Merchants for Princeton, announced that the association had changed its name to the Princeton Merchants Association on July 15, 2009. The group extended invitation for applications to include Township businesses. PMA will hold its first meeting on September 15 at the Nassau Inn.

Councilman Goldfarb expressed best wishes and inquired if there would be any conflict in representing both downtown and shopping center merchants.

Councilman Wilkes questioned if trajectory would be altered by the new "Hometown Merchants" association.

Mr. Linderman responded supporting efforts offer different strengths.

Ms. Kip Cherry of 24 Dempsey in Princeton Township expressed concern about lack of a storm water management plan for flag lots. She commented that there was not public notification of meetings of the minor subdivision committee; in fact, she felt affected citizens were not welcome. Ms. Cherry said the committee reports to governing bodies for approval without input from the public.

Ms. Cherry brought up "covenants" and stated that Princeton Township deemed covenants to be private and chose not to recognize covenants in providing a minor subdivision. Later, a court

judgment forced Township to honor covenants. Ms. Cherry stated that a proposed Terhune subdivision will violate covenants.

Ms. Cherry presented handouts and proposed both Township and Borough adopt zoning wording for flag lots so that the entire community will have storm water management.

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

Mayor Trotman read by title **Agenda Item G, New Business (1) — Introduction and Order to Publish: Ordinance 2009-24, BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,588,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,508,600 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF COST THEREOF.**

Council President Koontz moved to introduce Ordinance 2009-24; Councilman Wilkes seconded.

Robert Bruschi, Borough Administrator, reviewed each section of the ordinance, which includes parking, public works, parks and playgrounds, police and emergency equipment, engineering, and some road projects. He said this ordinance is for *Borough only* items; no joint agency work is covered.

Council President Koontz asked why Borough bonds for more funding than needed. Mr. Bruschi explained long-term financing practices—at the conclusion of a project, Council cancels the remainder of that bond ordinance; funds go to capital surplus.

Councilwoman Trelstad noted that Public Works Committee, although scheduled, had not yet reviewed final Harrison Street Park (HSP) proposals, even though bids are in.

Councilwoman Trelstad also mentioned \$600,000 (a sizable amount) for the swimming pool, which would be addressed later.

Councilman Goldfarb was concerned about timing—that Council approves funding and has no follow-up until invoices are tendered. He also objected to the generality of terms such as “Council Room.”

Mr. Bruschi stated that the Council Chamber was refurbished very little during the building’s remodel 10 years ago. Some improvements are suggested (security, technology, lighting upgrades) since the hall is also a courtroom, an education training room, and a committee meeting room.

Councilman Wilkes proposed Borough hire a design professional—for \$10-15,000—with expertise in audio/video spaces to evaluate the Council/court room’s shortcomings.

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Councilman Goldfarb stressed that roads and police cars cannot be deferred yet another year on the computer server may represent savings.

Councilman Goldfarb moved to reduce \$128,800 for Council Room renovation to \$15,000 for a design consultant, to be paid from capital surplus.

Council discussed the timing of designating money for Harrison Street Park.

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

Clifford Zink, Aiken Avenue, thanked Council for scrutinizing expenses. Councilman Goldfarb indicated that a written report on Public Works Committee recommendations for HSP will be available to the public prior to Council adoption on September 22, 2009, and bid award.

Seeing no one further, Mayor Trotman closed the public discussion and returned to Council. Mover and seconder agreed to Councilman Goldfarb's amendment. Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Goldfarb, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for September 22, 2009.

Mr. Bruschi pointed out that final adoption of bond ordinances required two-thirds majority of the full council (four people not including Mayor Trotman).

Mayor Trotman read by title **Agenda Item G, New Business (2) — Introduction and Order to Publish: Ordinance 2009-25, BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, THE COUNTY OF MERCER, NEW JERSEY, APPOPRIATING THE AGGREGATE AMOUNT OF \$586,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$556,700 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF COST THEREOF.**

Councilman Goldfarb moved to introduce Ordinance 2009-25; Councilman Wilkes seconded.

Council noted that joint agency projects are covered here.

Councilman Goldfarb stated that most members of the joint finance committees favor spending "millions of dollars" (possibly as high as \$7.5 million) to replace the pool; he does not. Councilman Goldfarb strongly opposed constructing a *new* pool.

Mr. Bruschi observed that options regarding the pool have yet to be explored. He said the finance committees' intention was to provide *some* money to keep the process moving, with allocation of that money to be flexible.

Councilwoman Trelstad pointed out that there has been no general, community-wide discussion and review of pool proposals. Mayor Trotman said that Jack Roberts, Recreation Director, will

attend Council on October 6, 2009, with ideas and requests. Councilwoman Trelstad stressed that the pool was *not* at the top of the town's wish list.

Councilman Wilkes clarified that the seed money of \$200,000 is for emergency repairs and rebuilding old parts. Ultimately Borough must find a pool engineer to evaluate "renovation" strategies versus "completely new" strategies.

Council President Koontz observed that there has been substantial community input—what they want to see is not so different from the present pool complex. We must "keep the pool going." He said Council is moving in the right direction.

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 Koontz, Goldfarb, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for September 22, 2009.

Mayor Trotman read by title **Agenda Item G, New Business (3) — Introduction and Order to Publish: Ordinance 2009-26, ORDINANCE APPROPRIATING \$720,000 FROM THE SEWER ESCROW TRUST TO PROVIDE FOR THE REHABILITATION OF THE SEWER SYSTEM IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY.**

Councilman Goldfarb moved to introduce Ordinance 2009-26; Councilwoman Trelstad seconded.

Council President Koontz indicated that there is "no supporting documentation for expenditure of this \$720,000 *at all.*" Councilman Goldfarb countered that there is plenty of documentation; explaining that all the money comes from connection fees paid into the sewer system.

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 Koontz, Goldfarb, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for September 22, 2009.

Mayor Trotman read by title **Agenda Item G, New Business (4) — Introduction and Order to Publish: Ordinance 2009-27, BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS FOR THE PARKING UTILITY IN AND BY THE BOROUGH OF PRINCETON, THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$226,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$226,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCE THE COST THEREOF.**

Councilwoman Trelstad moved to introduce Ordinance 2009-27; Councilman Goldfarb seconded.

Mr. Bruschi explained that up-graded parking technology will permit transition of current SmartCards to newer meters.

Councilman Wilkes asked about \$85,000 to light a five-year-old building (parking garage). Christopher Budzinski, Borough Engineer, said that the new lighting system will save more than \$50,000 per year in utility cost.

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 Koontz, Goldfarb, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for September 22, 2009.

Mayor Trotman read by title **Agenda Item G, New Business (5) — Introduction and Order to Publish: Ordinance 2009-28, AN ORDINANCE APPROVING THE TRAFFIC SIGNAL AT THE INTERSECTION OF WASHINGTON ROAD AND IVY LANE IN THE BOROUGH OF PRINCETON, COUNTY OF MERCER, STATE OF NEW JERSEY.**

Councilman Goldfarb moved to introduce Ordinance 2009-28; Councilwoman Trelstad 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 Koontz, Goldfarb, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for September 22, 2009.

Mayor Trotman read **Agenda Item G, New Business (6) — Resolution 2009-R241** as follows:

**RESOLUTION 2009-R241  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE RELEASE OF PERFORMANCE BOND  
AND ACCEPTING MAINTENANCE BOND**

**WHEREAS**, Adirondack Contracting Inc. has made a request for the full release of the current performance guarantee, Bond # 1000816697 issued by American Contractors Indemnity Company (“ the performance guarantee”), which is posted with the Borough in connection with the contract known as “ Borough of Princeton Public Works Garage Alteration and Repair” (“the contract”); and

**WHEREAS**, Adirondack Contracting Inc. has now provided to the Borough a maintenance bond which provides that its bonding company shall guarantee against defects in workmanship and materials which may become apparent for a one year period following the date of completion and approval of the contract work; and

**WHEREAS**, the Borough Engineer has advised that the contract has been completed and that the work has been satisfactorily completed; and

**WHEREAS**, the Borough Engineer has further recommended that the performance guarantee be released and that the maintenance bond be accepted;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton that the performance guarantee posted by Adirondack Contracting Inc., being Bond # 1000816697 issued by American Contractors Indemnity Company, in the amount of \$394,000.00 be released; and

**BE IT FURTHER RESOLVED** that the maintenance bond #1000816697 issued by American Contractors Indemnity Company in the amount of \$451,544.00, a copy of which is attached hereto, shall be

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accepted, to guarantee against defects in workmanship and materials which may become apparent for the period of one year from the date of approval of the contract work, the approval date being the date of within resolution.

Councilman Wilkes moved to approve Resolution 2009-R241 and Councilman Goldfarb seconded.

Noting a recent roof leak, Councilman Wilkes asked if Adirondack Contracting had been responsible. Mr. Budzinski confirmed that the leak was not related. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (7) — Resolution 2009-R242** as follows:

**RESOLUTION 2009-R242  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AWARDING CONTRACT TO MAGIC TOUCH CONSTRUCTION  
FOR PLUMBING SERVICES**

**WHEREAS**, the Borough of Princeton has determined the need for plumbing services in connection with various projects at various locations within the Borough of Princeton; and

**WHEREAS**, the Borough has solicited bid proposals for same; and

**WHEREAS**, all bid proposals were opened on Tuesday, August 11, 2009; and two bids were opened and read, and

**WHEREAS**, the bid results are summarized on the attached spreadsheet, and

**WHEREAS**, the bids were reviewed by the Borough Engineer and Borough Attorney, and found to be satisfactory, and

**WHEREAS**, it is therefore the recommendation of the Borough Engineer that the contract be awarded to Magic Touch Construction, 59 West Front Street, Keyport NJ, 07735 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 Magic Touch Construction, 59 West Front Street, Keyport NJ, 07735, from October 1, 2009 through December 31, 2010, for a lump sum contract not to exceed \$50,000, with plumber rates of \$75.00/hr straight time, \$112.50/hr overtime and plumber helper rates of \$42.00/hr straight time, \$63.00/hr overtime, with material markup of 10% and rental equipment markup of 10%, as set forth in the bid specifications.

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

Councilwoman Trelstad moved to approve Resolutions 2009-R242 and Council President Koontz seconded.

Mr. Budzinski stated that the yearly contract provides for both routine and emergency plumbing repairs. Councilman Wilkes mentioned a bid requirement that vendor must arrive at emergency location within 30 minutes. He said the listed qualified bidders are 51 minutes and 42 minutes distant from Princeton Borough. Councilman Wilkes emphasized the value—and savings—of hiring local repairmen. Councilwoman Trelstad moved to table Resolution 2009-242 pending research into emergency response time. Councilman Goldfarb seconded. Mr. Budzinski undertook to investigate (in writing) response time and availability of parts. Borough Council approved unanimously to table.

Mayor Trotman read **Agenda Item G, New Business (8–10) — Resolutions 2009-R243, 2009-R244, and 2009-R245** as follows:

**RESOLUTION 2009-R243  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE 2009 COMMITTEE APPOINTMENTS**

**NOW BE IT RESOLVED** that those listed below are appointed to the Borough of Princeton committees for a six year term as follows:

**SITE PLAN REVIEW ADVISORY BOARD**

**PAMELA LUCAS REW**

(to fill unexpired 6 year term of Ricardo Bruce through 01-01-2014)

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

**RESOLUTION 2009-R244  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE  
HISTORICAL SOCIETY OF PRINCETON**

**WHEREAS**, the Historical Society of Princeton is planning their fifth annual Fall Antiques and Fine Arts Show to be held September 25<sup>th</sup> through September 27<sup>th</sup> 2009;and

**WHEREAS**, The Historical Society has requested permission to install a banner over Washington Road in Princeton with approval of the Office of Community and State Affairs at Princeton University beginning Monday, September 21, 2009 through Monday, September 28, 2009 to inform the public of their event; 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 2009-R245  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING FIRE DEPARTMENT APPLICATIONS FOR  
ASSOCIATE MEMBERS**

**WHEREAS**, in February 2009 Borough Council approved an amendment to Articles III, IV and V of Chapter 14 of the Code of the Borough of Princeton which expanded the volunteer fire member classification to include Princeton University employees as Associate Members; and

**WHEREAS**, the membership applications have been reviewed by the appropriate municipal officers; and

**WHEREAS**, the following employees of Princeton University have met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 23, Section 25(a) through 25(g) as ASSOCIATE MEMBERS OF THE PRINCETON FIRE DEPARTMENT:

JOHN J. VICKERS  
CRAIG D. MALLETT  
MARKHAM WALTON

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby approve and recommend the applications for Associate Membership to the Office of the Borough Administrator, Director of Emergency Services, Fire Chief, Princeton University and Fire Companies.

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Council President Koontz moved to approve Resolutions 2009-R243, 2009-R244, and 2009-R245; Councilman Goldfarb seconded.

Kristen Appelget, Princeton University, mentioned that 30 University staffers have enrolled as Fire Department Associate Members. She said that further recruitment will be accelerated when the program is activated.

Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, Bill List for September 8, 2009 — Resolution 2009-R246** as follows:

**RESOLUTION 2009-R246  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE SEPTEMBER 8 2009 BILL LIST**

**WHEREAS**, 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 (9-01)	1,821,485.67
RESERVE ACCOUNT (8-01)	15,296.62
PARKING UTILITY OPERATING FUND (9-05)	9,967.92
PARKING UTILITY OPERATING FUND (8-05)	
AFFORDABLE HOUSING OPERATING ACCT (9-24)	6,965.16
IMPROVEMENT ASSESSMENT (9-11)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	
CAPITAL ACCOUNT (C-04)	22,341.30
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	5,820.18
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (9-22)	
MANUAL	2,198,794.93
ASSESSMENT TRUST FUND (9-11)	
GRANT (G-02)	

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the bill list of SEPTEMBER 8, 2009 as presented.

Council President Koontz moved to approve Resolution 2009-R246, Councilman Wilkes seconded, and Council approved unanimously.

Council President Koontz moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 8:56 P.M.

Respectfully submitted,

**Andrea Lea Quinty  
Borough Clerk**