

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
December 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 Margaret Karcher Councilman Roger Martindell, Councilwoman Barbara Trelstad, Councilman Kevin Wilkes, Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, Borough Police Lieutenant David Dudeck, Planning Board Director Lee O. Solow, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:04 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 December 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-R321**, as follows:

**RESOLUTION 2009-R321  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON DECEMBER 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. Personnel — Budget
2. Princeton University

**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.

December 8, 2009

Council President Koontz moved to approve; Councilwoman Trelstad seconded. Council members Koontz, Goldfarb, Karcher, 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 7:30 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.**

No minutes were presented for approval.

Mayor Trotman read **Agenda Item F, Oath of Office — Resolution 2009-R322** as follows:

**RESOLUTION 2009-R322  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE APPOINTMENT OF DAVID J. DUDECK  
AS CHIEF OF POLICE EFFECTIVE DECEMBER 8, 2009**

**WHEREAS**, pursuant to N.J.S.A. 40A:14-118 and in accordance with Section 26 of the Code of the Borough of Princeton the Borough shall provide for a Chief of Police who shall be the head of the police force in the Borough; and

**WHEREAS**, the position of the Chief of Police has been made available and is required to be filled; and

**WHEREAS**, the Borough Council has made recommendation to fill the position of Chief of Police; and

**WHEREAS**, Lieutenant David J. Dudeck has demonstrated the aptitude and ability to be promoted and is therefore eligible for the position of Chief of Police; and

**WHEREAS**, the Council recommends to the Mayor of the Borough of Princeton to appoint David J. Dudeck as Chief of Police;

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby confirm the appointment of David J. Dudeck as Chief of Police of the Princeton Borough Police Department effective December 8, 2009.

Mayor Trotman announced Council's honor and privilege to interview Borough's three police lieutenants. She thanked all three candidates for making the decision so difficult.

Council President Koontz moved to approve Resolution 2009-R322; Councilwoman Trelstad seconded.

Councilman Martindell addressed matters he had previously discussed with Lt. Dudeck:

(1) Head football coach at Hun School. Lt. Dudeck replied in detail how, for 22 years (27 years on force) of coaching, there had never been a conflict with police duties.

(2) Police regulation G1.0 restricting officers' contact with outsiders. Lt. Dudeck favors a revision to provide relief to officers with grievances.

Mayor Trotman called for a vote and Council approved unanimously six to zero.

Mayor Trotman administered the oath of office to Lieutenant David J. Dudeck as Chief of Police of the Princeton Borough Police Department effective December 8, 2009. Lieutenant Dudeck's family surrounded him as his daughter held the Bible.

Chief Dudeck expressed heartfelt appreciation for the opportunity. In particular, he thanked Lts. Papp and Sutter for their support.

Mayor Trotman read **Agenda Item G, Public Presentation**, and asked if anyone wished to address Council with an item not on the agenda. Seeing no one, she closed the public discussion.

Mayor Trotman read by title **Agenda Item I, Old Business (3) — Public Hearing and Adoption: Ordinance 2009-33, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A OF "THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974.**

Councilman Wilkes moved to adopt Ordinance 2009-33; Councilwoman Trelstad seconded.

Planning Board Director Lee O. Solow stated the Regional Planning Board returned the ordinance to Council approved as drafted.

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

Councilman Wilkes thanked Council members for first steps and fresh thinking on downtown parking strategies.

Mayor Trotman read **Agenda Item I, Old Business (4) — Resolution 2009-R314** as follows:

**RESOLUTION 2009-R314  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING STATE CONTRACT PURCHASE OF THERMAL IMAGING CAMERAS AND  
ACCESSORIES FROM ABSOLUTE FIRE PROTECTION CO., INC**

**WHEREAS**, the Borough of Princeton wishes to purchase one(1) Bullard T4 Blue Thermal Imaging Camera, two(2) Bullard T320 High Resolution Yellow Imaging Cameras, one(1) Scene Catcher DVR, one(1) 2 channel mobilelink, two(2) T3/T4 Series Attachable Handles, three(3) T3/T4 Series Powerhouse Vehicle Charging mounts and three(3) T3/T4 Retractable Lanyards through the New Jersey's Cooperative Purchasing Program (N.J.S.A. 40A:11-12) and;

**WHEREAS**, Absolute Fire Protection Co., Inc., has been awarded the New Jersey State Contract #71101 for Bullard Thermal Imaging Cameras and;

**WHEREAS**, the described Bullard thermal imaging cameras and accessories cost is \$44,678.16 and the appropriate monies are provided in the Capital Fund Budget for the Borough of Princeton in the amount of \$90,430.53 and;

**WHEREAS**, the Chief Financial Officer has certified the availability of said funds in Ordinance C-04-08-024-310;

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Princeton authorize the Borough Administrator to purchase the above Bullard thermal imaging cameras and accessories for the Borough of Princeton, Princeton Fire Department, under state contract #71101 from Absolute Fire Protection Co., Inc.

Councilwoman Trelstad moved to approve Resolution 2009-R314 and Councilman Goldfarb seconded.

Councilwoman Trelstad informed Council that her previous questions have been answered satisfactorily. Roy James, Deputy Fire Chief, stated that thermal imaging cameras distinguish different forms of heat (fire or body). They are used for search and rescue outdoors and in building fires.

Borough Council approved unanimously.

Mayor Trotman read by title **Agenda Item I, Old Business (2) — Public Hearing and Adoption: Ordinance 2009-32, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 19 OF “THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” REGARDING MOTOR VEHICLES AND TRAFFIC.**

Councilman Martindell moved to adopt Ordinance 2009-32; Councilman Wilkes 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, Karcher, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read **Agenda Item I, Old Business (5) — Resolution 2009-R317** as follows:

**RESOLUTION 2009-R317  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
CHAPTER 159- SPECIAL BUDGET ITEM**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**SECTION 1.**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$32,510.73 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Solid Waste Administration – Recycling Tonnage Grant**” and

**SECTION 2.**

**BE IT FURTHER RESOLVED**, that a like sum \$32,510.73 be and the same is hereby appropriated under the caption of “**State of New Jersey – Solid Waste Administration – Recycling Tonnage Grant**”

Councilman Martindell moved to approve Resolution 2009-R317, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, Old Business (6) — Resolution 2009-R318** as follows:

**RESOLUTION 2009-R318  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
CHAPTER 159- SPECIAL BUDGET ITEM**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**SECTION 1.**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$2,500.00 is now available as a miscellaneous revenue anticipated from “**New Jersey Health Officers Association – H1N1 Virus**” and

**SECTION 2.**

**BE IT FURTHER RESOLVED**, that a like sum \$2,500.00 be and the same is hereby appropriated under the caption of “**New Jersey Health Officers Association– H1N1 Virus**”

Councilman Martindell moved to approve Resolution 2009-R318 and Councilwoman Trelstad seconded. Mr. Bruschi stated that this grant is from New Jersey to offset H1N1 clinic expenses. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, Bill List for December 8, 2009 — Resolution 2009-R329** as follows:

**RESOLUTION 2009-R329  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE DECEMBER 9 2009 BILL LIST**

**WHEREAS**, Finance Officer Sandra L. Webb has forwarded the bills received for payment by the Borough of Princeton for review and approval by the Mayor and Council; and

**WHEREAS**, the Borough Clerk has certified that the vouchers listed on the attached register are a follows:

CURRENT ACCOUNT (9-01)	52,493.13
RESERVE ACCOUNT (8-01)	2,414.84

PARKING UTILITY OPERATING FUND (9-05)	11,238.24
PARKING UTILITY OPERATING FUND (8-05)	
AFFORDABLE HOUSING OPERATING ACCT (9-24)	2,165.00
IMPROVEMENT ASSESSMENT (9-11)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	
CAPITAL ACCOUNT (C-04)	69,986.40
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	788.00
TRUST FUND (T-13)	329.00
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (9-22)	
MANUAL	29,064.65
ASSESSMENT TRUST FUND (9-11)	
GRANT (G-02)	1,791.10

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

Councilwoman Trelstad moved to approve Resolution 2009-R329 and Councilman Martindell seconded. After some discussion, Council approved unanimously.

Mayor Trotman announced resolution not on the agenda, **Resolution 2009-330** as follows:

**RESOLUTION 2009-R330  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPOINTING TAX COLLECTOR  
FOR THE BOROUGH OF PRINCETON**

**WHEREAS**, as required by New Jersey State Statute the Borough is to provide for the appointment of a Tax Collector; and

**WHEREAS**, the current Borough Tax Collector retired from service effective December 1, 2009;

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

1. Pursuant to N.J.S.A 40A:9-142, Sandra Webb is hereby appointed to serve as Tax Collector in the Borough of Princeton to fill an unexpired term of office which commenced January 1, 2009 through December 31, 2012

Council President Koontz moved to approve Resolution 2009-R330, Councilman Martindell seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (1–6) — Resolutions 2009-R323, 2009-R324, 2009-R325, 2009-R326, 2009-R327, and 2009-R328** as follows:

**RESOLUTION 2009-R323  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE BOROUGH ATTORNEY TO BID**

**WHEREAS**, N.J.S.A. 54:5-30.1 authorizes the Borough Council to approve a resolution to authorize a municipal official to attend the tax sale auction and bid on a parcel of real estate on behalf of the Borough; and

**WHEREAS**, the Borough has a “Right of First Refusal” with Mrs. Rhetta Hoagland and her estate for the property located at 246 John Street.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby authorize the Borough Attorney to attend the tax sale auction and bid on a parcel of real estate known as 246 John Street.

**RESOLUTION 2009 – R324  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AWARDING THE CONTRACT KNOWN AS  
“PLACEMENT AND REMOVAL OF  
SOLID WASTE DUMPSTERS – BEGINNING JANUARY 2010”  
TO FUTURE SANITATION, 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, 2010 and ending December 31, 2010; and

**WHEREAS**, all bid proposals were opened on November 24, 2009; and

**WHEREAS**, the Borough received the following three (3) bids:

Future Sanitation, Inc. in the amount of \$53,550.00;

J. Vinch & Sons, Inc. in the amount of \$59,475.00;

Waste Management of New Jersey, Inc., in the amount of \$63,750.00; and

**WHEREAS**, it is the recommendation of the Manager of the Princeton Sewer Operating Committee that the contract be awarded to Future Sanitation, Inc. 385 Cranberry Road, Farmingdale, New Jersey 07727, 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 Future Sanitation, Inc., 385 Cranberry Road, Farmingdale, New Jersey 07727, 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, 2010 and ending December 31, 2010, in a total amount not to exceed \$53,550.00, 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.

**RESOLUTION 2009-R325  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE RELEASE OF PERFORMANCE BOND  
AND ACCEPTING MAINTENANCE BOND FOR  
2009 SIDEWALK REPAIR PROGRAM**

**WHEREAS**, Armando’s Construction Inc. has made a request for the full release of the current Performance Bond, Bond # PAIFSU0515797 issued by International Fidelity Insurance Company (“ the Bond”), which is posted with the Borough in connection with the contract known as “ 2009 Sidewalk Repair Program” (“the Contract”); and

**WHEREAS**, Armando’s Construction 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 Bond 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 Bond posted by Armando’s Construction Inc., being Bond # PAIFSU0515797 issued by International Fidelity Insurance Company, in the amount of \$28,964.10 be released; and

**BE IT FURTHER RESOLVED** that the maintenance bond #PAIFSU0515797 issued by International Fidelity Insurance Company in the amount of \$25,796.59, a copy of which is attached hereto, shall be 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.

**RESOLUTION 2009-R326  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON**

**WHEREAS**, the Borough of Princeton desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, 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 contract for professional services with **HiTOPS, 21 Wiggins Street, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from October 1, 2009 through January 31, 2010, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide H1N1 countermeasures services and other related duties as cited in the proposed contract (attached), for a total contract amount not to exceed \$15,000.00.

Under this Agreement, Provider shall at all times act as an independent professional contractor 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.

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.

**RESOLUTION 2009-R327  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING FIRE DEPARTMENT APPLICATION FOR  
OLIVIA M. PREVOST**

**WHEREAS**, Olivia M. Prevost has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the Princeton Hook and Ladder Fire Company; and

**WHEREAS**, the membership application has been reviewed by the municipal officers; and

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, Director of Emergency Services, Fire Chief and Fire Company.

**RESOLUTION 2009-R328  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
CHAPTER 159- SPECIAL BUDGET ITEM**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**SECTION 1.**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$50,000.00 is now available as a miscellaneous revenue anticipated from “**Princeton University – Fire Director**” and

**SECTION 2.**

**BE IT FURTHER RESOLVED**, that a like sum \$50,000.00 be and the same is hereby appropriated under the caption of “**Princeton University – Fire Director**”

Council President Koontz moved to approve Resolutions 2009-R323, 2009-R324, 2009-R325, 2009-R326, 2009-R327, and 2009-R328. Noting action taken at the joint meeting December 7, Council President Koontz amended his motion not to include 2009-R323 as it was approved the previous evening at a joint meeting of Borough Council and Township Committee. Councilman Martindell seconded the amended motion. Borough Council approved unanimously.

Mayor Trotman read by title **Agenda Item H, Discussion (1a) — Proposed Ordinance Amendments Regarding Operation of Police Department—Introduction and Authorization To Publish: Ordinance 2009-34, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 26 OF “THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” REGARDING OPERATION OF THE BOROUGH POLICE DEPARTMENT.**

Councilwoman Trelstad moved to introduce Ordinance 2009-34; Councilman Wilkes seconded.

Councilman Goldfarb first sought to establish Mayor and Council’s role regarding the police department. Councilman Goldfarb reviewed current policies, stating that New Jersey requires civilian oversight of the police department. The “appropriate authority” supervising the chief can be anyone or any group outside the department itself. Councilman Goldfarb stated that all other Borough departments have delegated supervision to the administrator; it should work for the police department as well.

Councilman Goldfarb stated that the Public Safety Committee (PSC) management of police affairs has not worked well—strictly reactive to all types of police issues. Councilman Goldfarb proposed assigning the Borough administrator—who already deals regularly and effectively with both police and Council—as appropriate authority.

Councilwoman Trelstad asked Councilman Goldfarb if PSC would have any “teeth” in his plan. Councilman Goldfarb answered that management decisions (e.g., duty hours, salaries, promotions) throughout the Borough are left to departments’ heads—not their advisory committees. PSC should meet regularly with the administrator (appropriate authority) and police

leadership to help everyone understand residents' concerns with respect to police affairs and, in turn, inform government of police needs.

Councilman Martindell differentiated police from all other Borough departments:

1. State statute mandates appropriate authority
2. Police need to report to governing body
  - a. Largest budget
  - b. Face of Borough government
  - c. Sensitive work involving rights
  - d. Interaction with special citizen groups
3. Press coverage/attention
5. Separate disciplinary function from legislative function

Councilman Wilkes agreed. He thought day-to-day accessibility of the administrator was irrelevant; new chief to provide daily supervision. Councilman Wilkes said PSC should meet monthly with the chief, agenda or not, to implement improvements. Councilman Wilkes supported the draft ordinance as written.

Council President Koontz reminded Council that they were looking to cure lack of details in disciplinary situations—in the face of possible appellate role. Council President Koontz suggested re-forming PSC and *directing* that they meet. Whoever becomes appropriate authority must have continuing dialogue with police.

Councilwoman Trelstad's stated her frustration during recent disciplinary hearings was not knowing details—no control by Council of the “purse strings” of an accused officer on leave (with pay).

Councilman Goldfarb mentioned municipalities' various arrangements for the appropriate authority. He preferred daily management by chief; rules and regulations formed by the appropriate authority. Councilman Goldfarb said that if Council's concern was to forge policy for the police department, the most effective way to do that was to appoint the administrator as the appropriate authority.

Council President Koontz stated that no Council member should have more inherent power than any other. Appropriate authority decisions are final, not advisory.

Councilman Martindell said Council does not want to be involved directly with police personnel. Councilman Martindell pointed out that statute language of “appropriate authority” distinguishes police from all other Borough departments. He countered that appropriate authority decisions are *not* final—Council can ignore recommendations.

Councilman Wilkes supported reduction of Council's presence on PSC to two members plus mayor.

Councilman Goldfarb stated that the appropriate authority, by state statute, is empowered to create police policies. Borough Attorney Karen Cayci concurred.

Councilwoman Karcher expressed concern for the individual officer who needs representation regarding an “epidemic” problem in the department.

Council President Koontz quoted Special Counsel Arthur Thibault’s apprehension about divided authority. Ms. Cayci responded that the issue for Council is to identify an established course of action. Her research showed that most municipalities took the powers of the appropriate authority and designated all to the person or group chosen.

Councilman Goldfarb reminded Council that police consultant Robert A. Verry had unequivocally advised that the administrator be named appropriate authority and Mr. Thibault had unequivocally advised that the administrator be named appropriate authority. He suggested Council not ignore the recommendations of the experts.

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

Jenny Crumiller, 187 Library Place, supported the new draft ordinance. She opposed the administrator as appropriate authority as “unusual” (zero municipalities) in Mercer County.

Ann Yasuhara, 66 Pine Street, representing Not in Our Town, read a statement favoring PSC as appropriate authority. She implored Council to create a PSC that will contribute to the community’s wellbeing.

Maria Juega, Latin American Legal Defense and Education Fund at 61 Nassau Street, encouraged preservation of the PSC function with enough power to perform investigations. She suggested the ordinance prescribe a meeting schedule for PSC.

Dudley Sipprelle, 375 Nassau Street, said the public wants clarity. He recommended a direct line from chief to administrator to Borough Council. Mr. Sipprelle said “best practices” indicate following the lead of other towns and enlisting citizens to sit on the PSC.

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

Councilman Goldfarb backed restructuring the PSC to include members of the public (but not if PSC is the appropriate authority). Councilwoman Karcher rebutted that some information is rightly held in confidence within the police force and away from the public eye. Councilman Martindell called citizen participation a “detour” from this meeting’s focus. Councilwoman Trelstad stated intent to attend a session of municipal court. Council President Koontz wanted to move forward with issues at hand.

Councilman Goldfarb moved to amend the draft ordinance Section 26-4 to begin, “The Borough administrator shall constitute the “appropriate authority” . . . and delete the last paragraph; also delete Section 26-3. There was no second to the motion.

December 8, 2009

Councilwoman Trelstad moved to introduce Ordinance 2009-34 as written; Councilman Wilkes seconded. Councilman Martindell suggested minor changes to Section 26-11. Mover and seconder agreed. Council discussed with Ms. Cayci the discretionary functions of the administrator as hearing officer. Mayor Trotman listed the changes as agreed during debate.

Hearing no further comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Goldfarb, Karcher, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for December 22, 2009.

Mayor Trotman read **Agenda Item H, Discussion (1b) — Proposed Ordinance Amendments Regarding Operation of Police Department—Introduction and Authorization To Publish: Ordinance 2009-36, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 OF “THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” REGARDING COUNCIL COMMITTEES.**

Councilwoman Trelstad read by title and moved to introduce Ordinance 2009-36; Councilman Wilkes 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, Karcher, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for December 22, 2009.

Mayor Trotman read by title **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2009-35 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 OF “THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” CONCERNING ALCOHOLIC BEVERAGES.**

Councilman Martindell moved to TABLE Ordinance 2009-35; Councilwoman Trelstad seconded. Council approved six to zero.

Council President Koontz moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 10:13 P.M.

Respectfully submitted,

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