

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
February 2, 2010
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Andrew Koontz, Councilwoman Jenny Crumiller, Councilman David Goldfarb, Councilman Roger Martindell, Councilwoman Barbara Trelstad (*arrived 7:43 P.M.*), Councilman Kevin Wilkes, Mayor Mildred Trotman (*arrived 7:23pm*)

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer Christopher M. Budzinski, Borough Clerk Andrea Lea Quinty

Council President Koontz 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 February 2, 2010, 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.”

Council President Koontz read Agenda Item C, Resolution 2010-R66, as follows:

**RESOLUTION 2010-R66
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON FEBRUARY 2, 2010**

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 — professional appointment interviews
2. Negotiations — affordable housing acquisition.

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.

February 2, 2010

Councilman Wilkes moved to approve; Councilman Goldfarb seconded. Council members Koontz, Crumiller, Goldfarb, Martindell, and Wilkes voted in the affirmative. Hearing no nay votes, Council President Koontz proclaimed the resolution approved five to zero.

Borough Council recessed into closed session. *By her absence, Mayor Trotman recused herself from the closed talks.*

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.**

Presented for approval were the minutes of the open session of January 5, 2010.

Council President Koontz moved to approve the minutes of the open session of January 5, 2010, Councilman Martindell seconded, and Council approved unanimously.

Presented for approval were the minutes of the open session of January 12, 2010.

Councilman Martindell moved to approve the minutes of the open session of January 12, 2010, Council President Koontz seconded, and Council approved unanimously.

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.

Councilman Martindell mentioned a few items to Council; (1) he is in possession of a shared police service feasibility study and would share copies (2) he was forwarded Borough resident Chris Baldwin's spreadsheet regarding tax assessment views and would share, (3) Chief, Councilman Wilkes, Councilman Martindell will be at the Arts Council in the coming week for a community discussion/latino population (4) inquiry regarding the upcoming census, urging community to cooperate in count.

There was brief discussion regarding steps already taken on the municipal level in regard to the census. The local churches were mentioned as good places to spread the word.

Councilman Wilkes inquired of the status of Borough ordinances that allows dogs in Marquand and Quarry parks as to a review of use and or complaints.

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

Mayor Trotman read **Agenda Item G, Borough Council Committee/Commission Monthly Reports.**

Councilman Goldfarb, who serves as Fire Commissioner, wished to alert Council and the public that a recent inspection at Engine Co. #1 on Chestnut Street had revealed structural problems with floor and all equipment had been moved to Mercer Engine #3 on Witherspoon Street.

Council President Koontz strongly objected to blind placement of any agenda issue that is important to the community—suggesting volunteers and other interested citizens should be present in Council chambers for that discussion. Councilman Goldfarb concurred that the public should be aware of topics for upcoming Council meetings. Council President Koontz mentioned he had heard from House President Shields regarding members concerns of the problem.

Councilman Martindell asked how Council members planned to address Mr. Shields's concerns. Council President Koontz, Councilman Goldfarb, and Councilman Martindell will meet with Mr. Shields on February 8, 2010.

Councilman Goldfarb related Federal requirements for reporting Fire Department activity in order to receive Federal grants. Councilman Goldfarb stated that Borough grants are in jeopardy because no one in the Township is responsible for Federal reporting. Councilman Goldfarb also said there are technical difficulties with firehouse computers.

Councilman Wilkes reported that Public Safety Committee (PSC) discussed police force:

- Vehicles
- Chain of command
- Staffing options.

Councilman Wilkes said that, at the February meeting, PSC will continue those topics—with recommendations to Council to follow.

Councilman Martindell noted Council needs a follow-up calendar/software arrangement. Borough Administrator Robert Bruschi responded that staff refers to a tickler file; Borough Clerk has a detailed worksheet tracking resolutions, contracts, and so forth. Mr. Bruschi proposed to address a Borough-wide, meaningful system with management team.

Council President Koontz wanted to reduce monthly Council meetings from three to two for increased efficiency.

Councilman Goldfarb stated that Finance Committee is reviewing four union contracts (with Mr. Bruschi). Councilman Goldfarb suggested an entire closed council session be devoted to reviewing expired contracts and possible development of strategies with Mr. Bruschi. (Not one of the expiring contracts should be used as a model for the next one!) Borough must restructure all contracts to reflect new fiscal realities. He thought that, rather than canceling meetings, Council could address specific topics at length during a third session.

Councilman Martindell agreed that it is excessive to schedule three “typical” agenda meetings per month. He listed some topics for which a “workshop” approach would be valuable.

February 2, 2010

Councilwoman Trelstad seconded Councilman Martindell's remarks, as did Councilwoman Crumiller, Councilman Wilkes, and Council President Koontz.

Councilwoman Crumiller mentioned a forthcoming white paper from the Citizen Finance Advocacy Task Force regarding employee benefits and salaries.

Mayor Trotman promised to itemize committee reports for future Council meetings.

Mayor Trotman read **Agenda Item I, Report (1) — Shade Tree Commission (STC) Annual Report** – *Polly Burlingham, Chair; Alexandra Radbil, Member.*

Ms. Burlingham saluted new members Marie Rickman and Barrie Royce. She named commission and technical advisory board members.

Ms. Burlingham reported on tree inventory changes throughout Borough; recycling of trees and yard waste (408.7 tons); 14th consecutive award of Tree City USA; distribution of seedlings and information at Communiversiity. STC received a business stimulus grant, with which they hired retired Princeton University grounds manager, Jim Consolloy, to assess and inventory Borough street trees.

Ms. Burlingham described STC 2009 activities that met the Community Forestry Management Plan, including community interactions, pursuit of grants, and professional development. STC members volunteered 392 hours, for a total donation of \$9,596.

Ms. Burlingham thanked Councilman Wilkes and welcomed Councilwoman Crumiller as new Council liaison to STC.

Ms. Burlingham presented creative solutions for leaf disposal for those who find bagging problematic.

Councilwoman Trelstad asked about stump grinding; Ms. Burlingham replied that grinding is a new effort being implemented.

Councilman Wilkes stated that the STC inventory is a very “progressive” document, leading to future (10, 20, 30, 40 years) strategy for maintenance of trees.

Council President Koontz noted the *ongoing* need for identification of diseased and invasive trees.

Council President Koontz moved to accept the STC report and Councilwoman Trelstad seconded. Council approved unanimously.

Mayor Trotman read **Agenda Item H, Correspondence (1) —Request Public Right of Way Access/Oyster Bowl XI** – *Steven Murray, Manager of Blue Point Grill.*

Councilwoman Trelstad moved to grant the request; Councilman Martindell seconded. Councilman Goldfarb stated the motion should include all the conditions from previous permissions for Oyster Bowls. Councilwoman Trelstad and Councilman Martindell agreed. Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (1-3) — Resolutions 2010-R67, 2010-R68, and 2010-R69** as follows:

**RESOLUTION 2010-R67
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING PROFESSIONAL SERVICES AGREEMENT
TO MCDONOUGH AND REA ASSOCIATES AS
SPECIAL TRAFFIC CONSULTANT TO PLANNING BOARD**

WHEREAS, the Borough 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 McDonough & Rea Associates Inc. (hereinafter referred to as "Provider") to provide consultant services for the Planning Board from February 2, 2010 through December 31, 2010, 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 special traffic consultant to the Regional Planning Board of Princeton and the Zoning Board of Princeton Borough to review and evaluate various land development applications as filed with the Boards, 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 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 pursuant to the proposal of the Provider dated January 21, 2010 (attached).

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 2010-R68
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON APPROVING ACQUISITION OF
AN EASEMENT ON BLOCK 14.01, LOT 1**

ON THE TAX MAP OF THE BOROUGH OF PRINCETON

WHEREAS, the Borough has determined the need for acquisition of a easement on Block 14.01, Lot 1 (Stanworth Apartments) for the purpose of maintaining a light post and handicap sign as part of the improvements to the Borough's property at 100 Leigh Avenue; and

WHEREAS, the Trustees of Princeton University, the owner of said property, are willing to provide an easement to the Borough in consideration of \$1.00.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are hereby authorized to enter into the attached easement agreement with The Trustees of Princeton University, the owner of Block 14.01, Lot 1 (the Grantor), for a perpetual easement for the purpose of maintaining a light post and handicap sign as part of the improvements to the Borough's property at 100 Leigh Avenue along with rights of ingress, egress and regress by the Borough, its agents, contractors, employees, and servants into the easement area, as set forth in the easement agreement and in consideration of payment by the Borough to the Grantor of \$1.00.

**RESOLUTION 2010-R69
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
RELEASE OF CERTAIN MAINTENANCE BONDS**

WHEREAS, the Borough had previously entered into various Capital Road Improvement contracts with various contractors, which required the submittal of a one year maintenance guarantee for each project; and

WHEREAS, before the bond expired, the improvements for each project were inspected and found to be satisfactory; and

WHEREAS, the Borough Engineer recommends full release of said maintenance bonds.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton, the Clerk is hereby authorized to return the following maintenance bonds:

Bond # 6561466M, dated 12/7/08 to Arawak Paving Company, Inc. for project 08-01

Bond # 22492, dated 12/9/08 to Lancha Corporation for project 08-04

Councilwoman Trelstad moved to approve Resolutions 2010-R67, 2010-R68, and 2010-R69; Council President Koontz seconded; Borough Council approved unanimously.

Council President Koontz moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 8:20 P.M.

Respectfully submitted,

**Andrea Lea Quinty
Borough Clerk**