

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
February 9, 2010
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Councilwoman Jenny Crumiller, Councilman David Goldfarb,
Councilman Roger Martindell, Councilwoman Barbara Trelstad,
Councilman Kevin Wilkes, Mayor Mildred Trotman

Absent: Council President Andrew Koontz

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Maeve E.
Cannon, Borough Engineer Christopher M. Budzinski, Chief Finance
Officer Sandra L. Webb, 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 February 9, 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.”

Mayor Trotman read **Agenda Item A, Resolution 2010-R76**, as follows:

**RESOLUTION 2010-R76
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON FEBRUARY 9, 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. Negotiations — 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.

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

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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 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 January 26, 2010.

Councilwoman Trelstad moved to approve the minutes of the open session of January 26, 2010, Councilman Martindell seconded, and Council approved unanimously with two additions.

Mayor Trotman read **Agenda Item F, Correspondence (1) — Spirit of Princeton – Event Requests for 2010 – Raymond Wadsworth.**

Mr. Wadsworth described proposed events for 2010—Memorial Day Parade, Flag Day, Fireworks, Veterans Day, and St. Paul’s Stations of the Cross. He requested fee waiver for the parade.

Councilman Goldfarb moved to approve on the same basis as previous years. Councilman Martindell seconded. Council agreed five to zero.

Mr. Wadsworth thanked Public Works and Police Departments for their assistance (barricades and traffic, respectively) during public functions.

Councilwoman Trelstad moved to approve street closings for Stations of the Cross on Good Friday, April 2, 2010. Councilman Wilkes seconded and Council agreed five to zero.

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 about movement on the tickler file which was discussed February 2, 2010. Mr. Bruschi stated the topic is on the agenda for the next management team meeting.

Councilman Martindell raised the topic of meetings about shared services with Township Committee counterparts. Mayor Trotman proposed to hear those reports during a future Committee Reports agenda item.

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

Mayor Trotman read **Agenda Item G, Report (1) — Citizens Finance Advisory Taskforce (CFAT) (Ad Hoc) — Nick Karp.**

Mr. Karp, member of CFAT, a Princeton University undergraduate in the 1980s and 10-year resident stated that the Borough has a “big and growing problem” applying to homeowners,

businesses, commercial employees, public employees, union members, and Princeton University (PU). He felt the long-term vitality of the community is threatened.

While listing “uncomfortable” statistics, Mr. Karp said he would present a clear indication of the Borough’s present position, prognosis, and consequences. Borough property taxes increased 7.6% per year for 2000 to 2008, compared to Consumer Price Index increases of 2.1% per year. Mr. Karp foresaw demise of Princeton diversity if the trend continues; Princeton will become home to only the very rich.

Mr. Karp noted that school and Mercer County costs (75+% of property taxes) should be addressed—but in a different forum. He commended present and former Councils for a *decreasing tax rate increase*.

Mr. Karp observed that more than half of the municipal budget applies to the workforce—two-thirds to salaries and one-third to benefits—the first budget target. He said unequivocally Borough salaries are consistently generous (specifically compared with PU). Mr. Karp mentioned that New Jersey police officers are the highest paid in the land. (The rate of police salary increase including payroll costs and longevity [6 to 10%] is not sustainable.)

Mr. Karp also mentioned that employee health and pension benefits are more generous than offered by most employers, with 30% more paid holidays than standard—leading to high overtime expense.

Mr. Karp offered some preliminary suggestions to contain costs:

- Zero percent raises (including union workers)
- Comprehensive list of discretionary and nondiscretionary budget items
- More accessible budget presentation
- Determine areas of leverage in union negotiations
- Influence selection of arbitrators
- Review and improve negotiation process.

Councilman Wilkes stated that a proposed increase in PU’s PILOT payments is directed toward lessening the tax burden on existing properties.

Councilman Martindell asked how CFAT can help Council deal with financial issues such as state mandates (e.g., police salaries) and union negotiations. Mr. Karp said he would search his membership for appropriate skills and experience.

Mayor Trotman wondered how CFAT plans to proceed with Council. Mr. Karp thought more tangible contributions will emerge in the future.

Mayor Trotman read by title **Agenda Item I, New Business (2) — Introduction and Order to Publish: Ordinance 2010-01 BOND ORDINANCE PROVIDING FOR SIDEWALK AND CUMr. Bruschi IMPROVEMENTS IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY APPROPRIATING \$115,000 THEREFOR,**

AUTHORIZING THE ISSUANCE OF \$109,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF

Councilwoman Trelstad moved to introduce Ordinance 2010-01; Councilman Martindell seconded. Mr. Budzinski clarified that Ordinance 2010-01 also provides for the sewer assessment.

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 Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for March 2, 2010.

Mayor Trotman read **Agenda Item I, New Business (1) — Resolution 2010-R70** as follows:

**RESOLUTION 2010-R70
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR MUNICIPAL LEGAL SERVICES FOR YEAR 2010**

WHEREAS, the Mayor and Council of the Borough of Princeton has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Maeve E. Cannon, Esq., HILL WALLACK LLP has submitted a proposal indicating they will provide the municipal legal services as the Borough Counsel as per the agreement and fee schedule attached; and

WHEREAS, Maeve E. Cannon completed and submitted a Business Entity Disclosure Certification which certifies that HILL WALLACK LLP 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 HILL WALLACK LLP from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with HILL WALLACK LLP as described herein for an amount not to exceed \$150,000 through December 31, 2010; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

Councilman Wilkes moved to approve Resolution 2010-R70, Councilwoman Trelstad seconded, and Borough Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item I, New Business (3, 4, 5) — Resolutions 2010-R71, 2010-R72, and 2010-R73** as follows:

**RESOLUTION 2010-R71
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING 2010 PROFESSIONAL SERVICES AGREEMENT
TO RAYMOND HAYDUCKA AS HEARING OFFICER FOR POLICE MATTERS**

WHEREAS, the Borough desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated.

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 Raymond Hayducka (hereinafter referred to as "Provider") to serve as a hearing officer for police administrative disciplinary matter 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 stated in the attached "Exhibit A" and summarized as follows:

Provider shall serve as hearing officer for police disciplinary matters as requested by the Appropriate Authority of the Borough and in that capacity to conduct such hearings and provide written findings and conclusions.

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 at the rate of \$ 90.00 per hour in an amount not to exceed Four Thousand Dollars (\$4,000). 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 2010-R72
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON APPROVING ACQUISITION OF
AN EASEMENT ON BLOCK 27.01, LOT 41
ON THE TAX MAP OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough has determined the need for acquisition of an easement on Block 27.01, Lot 41 (PSEG substation) for the purpose of ingress and egress, maintaining a driveway, sidewalk, landscape and other improvements, all part of the improvements associated with the Borough's Downtown Development Project; and

WHEREAS, Public Service Electric & Gas Company, 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 Public Service Electric & Gas Company, the owner of Block 27.01, Lot 41 (the Grantor), for a perpetual easement for the purpose of maintaining certain improvements and a library building overhang, all part of the improvements associated with the Borough's Downtown Development Project, along with rights of ingress,

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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-R73
AUTHORIZING GRANT AGREEMENT
BETWEEN
BOROUGH OF PRINCETON
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
GRANT IDENTIFIER: PRINCETON BOROUGH PF10-190**

The governing body of the Borough of Princeton, Mercer County
(print Grantee's name)

desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$ 7,000 to fund the following project:
2009 Business Stimulus Fund Grant (BSF)

Therefore, the governing body resolves that Robert W. Bruschi or the successor to the office of _____ (print name)
Borough Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute
(print title of authorized official)

a grant agreement with the State for a grant in an amount not less than \$ 7,000 and not more than \$ 7,000 , and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

*The Mayor and Council of the Borough of Princeton authorizes and hereby agrees to
(print name of Grantee's governing body, e.g., board of chosen freeholders)

match n/a % of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. n/a % of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed February 9, 2010.

Ayes: 5
Nays: 0
Absent: 1

* The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services to be provided by the Grantee.

CERTIFICATION*

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I, Andrea L Quinty, municipal clerk county clerk utilities Authority Clerk

(print name)

(other, specify) _____ of the Borough of Princeton

certify that this resolution was duly adopted by _____ at a Princeton Borough Council

(print Grantee's name)

(print name of Grantee's governing body)

meeting duly held on the 9th day of February, 2010; that this resolution has not been amended or repealed; and that it remains in full force and effect on the date I have subscribed my signature. **

(signature) *
Andrea L Quinty
(print name)
Borough Clerk
(print title)

Date: February 10, 2010 **

* Certification must be signed by an official other than the individual authorized to execute the agreement.

** This date must be no more than sixty (60) days prior to the Grantee's execution of the agreement. If the original certification expires prior to the Grantee's execution, Grantee must submit a currently certified copy of this Attachment C when it returns the executed agreement to the Department.

Councilwoman Trelstad moved to approve Resolutions 2010-R71, 2010-R72, and 2010-R73; Councilman Wilkes seconded.

Councilman Martindell asked what open items remain for the library/plaza/building, a portion of the downtown project. Mr. Budzinski answered that subdivision will now be finalized and naming the driveway is next. Mr. Budzinski said Borough has received DEP release for soils; release for water is pending (probably before July 2010).

Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (6) — Resolution 2010-R74** as follows:

**RESOLUTION 2010-R74
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING TRANSFERS IN ACCORDANCE
WITH N.J.S.A. 40A:4-59**

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton, County of Mercer, State of New Jersey that in accordance with the provisions of N.J.S.A. 40A:4-59, that the transfers in the amount of \$16,720.00 be made between the 2009 Budget Appropriation Reserves as follows:

<u>Amount</u>	<u>Transfer From</u>	<u>Transfer To</u>
\$3,020.00	Salary & Wage Adjustment	Suzanne Patterson Center - OE
\$4,700.00	Salary & Wage Adjustment	Fire Facilities – OE
\$9,000.00	Salary & Wage Adjustment	Fire - OE

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Councilwoman Trelstad moved to approve Resolution 2010-R74 and Councilwoman Crumiller seconded.

Hearing no comment from Council, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the motion carried.

Mayor Trotman read **Agenda Item I, Bill List for February 9, 2010 — Resolution 2010-R75** as follows:

**RESOLUTION 2010-R75
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE FEBRUARY 9, 2010 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 (0-01)	1,792,678.93
RESERVE ACCOUNT (9-01)	71,129.03
PARKING UTILITY OPERATING FUND (0-05)	21,246.54
PARKING UTILITY OPERATING FUND (9-05)	8,081.37
AFFORDABLE HOUSING OPERATING ACCT (0-24)	
IMPROVEMENT ASSESSMENT (0-11)	
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
CAPITAL ACCOUNT (C-04)	133,425.95
PARKING UTILITY CAPITAL FUND (P-06)	7,520.00
ESCROW (E-30)	5,653.10
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (0-22)	
MANUAL	2,205,668.03
ASSESSMENT TRUST FUND (0-11)	
GRANT (G-02)	10,846.77

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list February 9, 2010 as presented.

Councilwoman Trelstad moved to approve Resolution 2010-R75, Councilwoman Crumiller seconded, and Council approved unanimously.

Councilwoman Trelstad moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 8:35 P.M.

Respectfully submitted,

**Andrea Lea Quinty
Borough Clerk**