

**Approved Session
Of the Mayor and Council of the Borough of Princeton
February 23, 2010
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

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

Absent: Councilwoman Jenny Crumiller

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Maeve E.
Cannon, Borough Engineer Christopher M. Budzinski, Land Use
Development Official Derek Bridger, Police Chief David J. Dudeck,
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 23, 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 C, Resolution 2010-R77**, as follows:

**RESOLUTION 2010-R77
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON FEBRUARY 23, 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 — Police
2. Personnel — Professional Appointment
3. North Ridge

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.

Councilman Wilkes moved to approve; Councilwoman Trelstad seconded. Council members Koontz, Goldfarb, 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 7:32 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 February 2, 2010.

Councilwoman Trelstad moved to approve the minutes of the open session of February 2, 2010, Councilman Wilkes seconded, and Council approved unanimously five to zero.

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.

Mayor Trotman warned that Public Presentation is on the agenda so that members of the community may bring an issue to the attention of Mayor and Council. The address should be no longer than five minutes and there would be no exchange of comments. The topic raised *may* be placed on a future agenda.

Madeleine Porcelli, 37 Hodge Road, mentioned a mailing—just received by affected property owners—about the proposed historic district. She requested that Council influence the Historic Preservation Review Committee to postpone a decision until residents opposed can marshal their arguments. Ms. Porcelli hoped that, in the end, both sides will have had equal opportunity to present their positions. Land Use Development Official Derek Bridger responded that an extension may be possible.

Nicholas Karp, One Boudinot Street, updated the reassessment situation and noted some progress points on the citizen finance group:

1. Borough Administrator Robert W. Bruschi and Chief Finance Officer Sandra L. Webb have expressed interest in proceeding productively.
2. Some recommendations are:
 - a. Develop and publish a three-year (five-year preferred) projection of Borough (plus school and county) revenues and expenses.
 - b. Resolve to find convergence in future collective bargaining agreements between private sector and current wages.
 - c. Work in good faith with employees and unions.
 - d. Publicly set aside funds to cover legal expenses connected with staff issues. Be prepared to “stand pat.”
 - e. Seek support from New Jersey to work with other municipalities.

Sylvia Stengle, 42 Markham Road since 2002, 70 years of age and Suzanne Patterson board member, said she has noted “panic” about the reassessments among middle- and fixed-income seniors. She insisted that Borough must find the political and financial acumen to fund senior needs.

Councilman Martindell again asked about a “tickler” file. Mr. Bruschi replied that the most recent management team meeting was cancelled due to weather; the tickler issue will be addressed next session.

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

Mayor Trotman read a proclamation in honor of Black History Month. She presented the proclamation to Shirley Satterfield, who is a leading Princeton historian, for it to reside in the Paul Robeson House of the Witherspoon Street Presbyterian Church.

Mayor Trotman read **Agenda Item G, Correspondence (1) — Request for Street Signage/ Salon Pure** – *David Newton, Vice President Palmer Square Management (PSM)*.

Mr. Newton stated that the owners of new Salon Pure are entitled by lease to an A-frame sign in the setback (owned by Palmer Square Management) in front of Mediterra Restaurant. He acknowledged that such entitlement by PSM was inappropriate and requested an exemption to street signage regulations.

Mayor Trotman noted that a sign exception for Salon Pure might snowball into hardship requests from businesses throughout downtown. Mr. Newton defended that there are very few second-floor enterprises needing street signage. Furthermore, Salon Pure’s awning sign is not visible for half the year because of leafy trees in the courtyard.

Councilman Goldfarb commented that, originally, the street signage provision for retailers was designed to be temporary for specific special events, with signs taken in at night. He believed that the spread of A-frame signs has not enhanced the townscape (nor have street displays of merchandise). Councilman Goldfarb thought Mr. Newton was really seeking a zoning variance—not granted by Council.

Mr. Newton hoped to establish with the Zoning Board permanent signage for upper floor PSM tenants. He stated that he had been advised to seek an ordinance change first. In the meantime, he requested temporary permission for a sign at street level.

Council President Koontz thought Council could not carve out an exception.

Mr. Bridger stated that street signs are essentially unenforceable.

Councilman Martindell suggested “benign neglect” to avoid months of debate.

Councilman Wilkes wondered why Borough sign restrictions apply to private sidewalks. He thought obstruction of *public rights-of-way* was the concern.

Councilman Goldfarb stressed the need to tighten sign proliferation, not to liberalize it. Noting unintended consequences from the original ordinance, Councilman Goldfarb recommended resolving the issue for this and future tenants by determining a sign ruling that works for all situations.

Mr. Newton sought interim relief. Borough Engineer Christopher Budzinski undertook to expedite PSM's application. Mayor Trotman asked Council to table PSM's request pending a Zoning Board decision.

Mr. Bridger said Salon Pure has already received a variance for signage on the valence of their awning.

Council agreed to revisit PSM/Salon Pure in April 2010.

Mayor Trotman read **Agenda Item G, Correspondence (2) — 2010 Event Calendar** – *Anita Fresolone-Director Marketing Palmer Square.*

Ms. Fresolone provided a list of scheduled events and stated PSM's continuing endeavor to provide interesting programming on Nassau Green. She noted that PSM works closely with Mr. Bruschi, Borough Clerk Andrea Quinty, Environmental Health Specialist Randy Carter, and police throughout the year. In particular, Ms. Fresolone described Pi Day, in which PSM is a participant.

Council President Koontz moved to accept the events schedule and Councilwoman Trelstad seconded. Council agreed unanimously.

Mayor Trotman read **Agenda Item H, Report (1) — Monthly Police Report** — *Police Chief David Dudeck.*

**RESOLUTION 2010-R78
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, David Dudeck, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of December 2010; and

WHEREAS, the Mayor and Council reviewed said report at their Regular Meeting attended by Police Chief David Dudeck and made various inquiries of Chief Dudeck.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the December 2010 Monthly police report prepared by the Borough Police Administration.

Chief Dudeck attended an immigration issues forum on February 4, 2010. He said Borough police are reaching out to Borough and Township immigrants (along with Township Police Department) to open a dialogue on matters that are dealt with every day. He invited anyone interested in immigration issues to attend

Chief Dudeck contacted Human Services to ascertain their perspective on police activities and their hot topics over recent years. That session led to a meeting with Concerned Men of Princeton, a local group dealing with Princeton young people. Chief Dudeck hopes to establish communication between police and other special groups throughout town; the public is always welcome.

Chief Dudeck reported that snow seemed to calm Bicker weekend—with fewer than usual ambulance calls and arrests—and confine events to campus. (He thought University police had more to deal with than Borough.)

Chief Dudeck stated that police continue to manage traffic bottlenecks resulting from the closing of Mercer Street. Chief Dudeck purposely travels Stockton/Elm to evaluate the daily level of congestion.

Councilman Wilkes commended Chief Dudeck's community outreach during evening meetings (e.g., Latin American Immigration Forum, with a lieutenant and a patrol officer in attendance as well).

Councilwoman Trelstad smoothly traveled the Mercer detour and noted police assistance was working.

Councilman Martindell asked the status of a general order that limits contact between officers and others. Councilman Wilkes replied that Public Safety is evaluating it and plans to recommend to Council March 2, 2010.

Councilman Martindell asked the police response to the Verry report. Chief Dudeck stated that all changes are complete; all changes have been applied to policy. Councilman Wilkes stated that Public Safety will review the new policy in March 2010.

Councilman Martindell asked the status of an alternate ordinance dealing with underage drinking. (Current ordinance deemed unenforceable by municipal judge.) Chief Dudeck, as the chief of police confirmed his position to Judge Goldman, defending the present ordinance as a useful tool. Chief Dudeck recognized the need to draft new language. Mr. Bruschi commented that a revised ordinance will emerge with the new prosecutor in place.

Councilman Wilkes moved to accept the police report, Councilwoman Trelstad seconded, and Council accepted unanimously.

Mayor Trotman read by title **Agenda Item I, New Business (1) — Introduction and Order to Publish: Ordinance 2010-02 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A, LAND USE, OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974.**

Councilwoman Trelstad moved to introduce Ordinance 2010-02; Councilman Wilkes seconded.

Councilman Goldfarb stated the ordinance is “burdensome.” He wondered why fees are being raised. Mr. Bridger said this is the primary tool for funding affordable housing (one of the few sources now available with limited tax dollars). The intent of this ordinance was in the plan for this COAH round and was approved. Mr. Bridger observed that communities all over New Jersey including neighboring Princeton Township are advancing their fees.

Councilman Goldfarb pointed out that most Borough development results from additions, leading to hefty affordable housing contributions for families looking to improve their home. Councilman Goldfarb wanted to hold Ordinance 2010-02, in anticipation of better information on COAH’s future direction.

Mayor Trotman mentioned an upcoming evening session to be devoted exclusively to discussion of affordable housing matters. She suggested it would be an appropriate forum for dealing with Ordinance 2010-02.

After some discussion, Councilman Martindell moved to table and Councilman Goldfarb seconded. Council members Goldfarb, Martindell, and Trelstad voted in the affirmative. Council members Koontz and Wilkes voted in the negative. Mayor Trotman proclaimed the motion passed three to two.

Mayor Trotman read **Agenda Item I, New Business (2–9) — Resolutions 2010-R79, 2010-R80, 2010-R81, 2010-R82, 2010-R83, 2010-R84, 2010-R85, and 2010-R86** as follows:

**RESOLUTION 2010-R79
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A CONTRACT
FOR PROFESSIONAL SERVICE TO GANNETT FLEMING
FOR INSPECTION AND COMPLIANCE SERVICES FOR 2010**

WHEREAS, the Princeton Sewer Operating Committee (“PSOC”) has advised of the need for annual inspection and compliance services at the Princeton Sanitary Landfill; and

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

WHEREAS, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and

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

The Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with **Gannett Fleming, Inc.:**

1. The contract so authorized shall require Gannett Fleming, Inc. to provide services and other related duties, as follows:

- Professional engineering services for the annual inspection and compliance service for the Princeton Sanitary Landfill. Provider’s services further described in the attached Exhibit A, dated January 12, 2010.

Under this contract, the 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.

2. The Borough shall pay the Provider the following compensation:
An amount not to exceed Eight Thousand Dollars and Zero Cents (\$8,000.00).

3. 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.
4. This contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.
5. A notice of this action shall be published in the Times of Trenton as required by law within ten (10) days of its passage.
6. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**SEQ CHAPTER \h \r 1 RESOLUTION 2010-R80
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON APPROVING ACQUISITION OF
AN EASEMENT ON BLOCK 26.02, LOT 18
ON THE TAX MAP OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough has determined the need for acquisition of a perpetual easement on 91 Moore Street, Block 26.02, Lot 18 for the purpose of maintaining underground sanitary and storm sewer appurtenances and as part of the overall improvements to the Borough's sanitary and storm sewer systems; and

WHEREAS, the owners of the property, Mark R. Censits and Beth G. Censits, 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 Deed of Easement with Mark R. Censits and Beth G. Censits for a perpetual easement for the purpose of maintaining underground sanitary and storm sewer appurtenances on the property, 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 Deed of Easement and in consideration of payment by the Borough to the Grantor of \$1.00.

**RESOLUTION 2010-R81
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING TONNAGE GRANT APPLICATION
TO ENCOURAGE LOCAL RECYCLING PROGRAM**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing The Borough of Princeton to apply for such tonnage grants for calendar year 2009 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Princeton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of The Borough of Princeton that the Borough of Princeton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Sean Burns to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2010-R82

**OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
RELEASE OF CERTAIN MAINTENANCE BOND**

WHEREAS, the Borough had previously entered into a Capital Road Improvement contract with S. Brothers Inc. for Capital Project 04-02, Reconstruction of Cleveland Lane, which required the submittal of a one year maintenance guarantee for the project; and

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

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

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 bond:

Bond # 1000776706MB, dated 2/10/09 to S. Brothers, Inc.

**RESOLUTION 2010-R83
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF POLE BANNERS
AS REQUESTED BY THE
PRINCETON UNIVERSITY ART MUSUEM**

WHEREAS, The Princeton University Art Museum is planning their spring exhibition, *Architecture as Icon: Representations of Architecture in Byzantine Art* beginning March 6, 2010; and

WHEREAS, The Princeton University Art Museum has requested permission to install eight pole banners on Nassau Street with the approval of the Office of Community and State Affairs at Princeton University beginning February 22nd through June 7th, 2010 to advertise the Art Exhibition; and

WHEREAS, the pole banners will be promptly removed after 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 pole banners on Nassau Street in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2010-R84
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY GREENING PRINCETON FARMERS MARKET**

WHEREAS, Greening Princeton, a Princeton University run organization has planned its Greening Princeton Farmers Market to open on Wednesday, April 7, 2010; and

WHEREAS, Greening Princeton has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Wednesday April 7, 2010 through Wednesday, April 14th, 2010 to advertise this program to the entire Princeton Community; and

WHEREAS, this banner will be promptly removed after its use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2010-R85
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2010 COMMITTEE APPOINTMENTS
FOR A THREE YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a three year term through January 1, 2013 as follows:

JOINT HUMAN SERVICES COMMISSION Mary Agnes Procaccino

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

**RESOLUTION 2010-R86
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2010 COMMITTEE APPOINTMENTS
FOR A FIVE YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a five year term through January 1, 2015 as follows:

STONY BROOK REGIONAL SEWERAGE AUTHORITY

David Miller

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

Council established that Farmers Markets will be held at Firestone Library and Olive May's.

Councilman Goldfarb requested periodic reporting on Stony Brook from David Miller.

Council President Koontz moved to approve Resolutions 2010-R79, 2010-R80, 2010-R81, 2010-R82, 2010-R83, 2010-R84, 2010-R85, and 2010-R86. Councilwoman Trelstad seconded. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, Bill List for February 23, 2010 — Resolution 2010-R87** as follows:

**RESOLUTION 2010-R87
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE FEBRUARY 23, 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 as follows:

February 23, 2010

CURRENT ACCOUNT (10-01)	68,749.38
RESERVE ACCOUNT (9-01)	65,361.13
PARKING UTILITY OPERATING FUND (10-05)	2,852.88
PARKING UTILITY OPERATING FUND (9-05)	205.11
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (10-11)	
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
CAPITAL ACCOUNT (C-04)	92,368.22
PARKING UTILITY CAPITAL FUND (P-06)	2,722.00
ESCROW (E-30)	587.48
TRUST FUND (T-13)	10.56
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (10-22)	
MANUAL	4,355,772.35
ASSESSMENT TRUST FUND (10-11)	
GRANT (G-02)	1,926.75

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list February 23, 2010 as presented.

Council President Koontz moved to approve Resolution 2010-R87, Councilman Wilkes seconded, and Council approved unanimously.

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

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk