

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
August 24, 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, Councilman Kevin Wilkes, Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer Christopher M. Budzinski, Police Chief David J. Dudeck, Joint Tax Assessor Neal Snyder, Deputy Borough Clerk Delores A. Williams

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 August 24, 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-R239**, as follows:

**RESOLUTION 2010-R239
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON AUGUST 24, 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

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.

August 24, 2010

Council President Koontz moved to approve; Councilwoman Trelstad seconded. Council members Koontz, Crumiller, 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 7:30 P.M. Council reconvened into open session. Mayor Trotman instructed audience members who wished to address Council on revaluation discussion to sign in; only those on the list will be called to speak.

Mayor Trotman asked all present to rise for **Agenda Item D, Salute to the Flag.**

Mayor Trotman read **Agenda Item E, Oath of Office (1) — Resolution 2010-R240** as follows:

**RESOLUTION 2010-R240
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE APPOINTMENT OF DARWIN W. KIEFFER IV
AS A PROBATIONARY PATROL OFFICER EFFECTIVE JULY 2010**

WHEREAS, in accordance with Section 26-5 of the Code of the Borough of Princeton, Darwin W. Kieffer, IV was given a conditional offer of employment pending completion of background, psychological and medical examinations; and

WHEREAS, Darwin W. Kieffer IV has successfully completed all conditions and was therefore eligible for hire as a probationary patrol officer effective August 2, 2010.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby confirm the appointment of Darwin W. Kieffer, IV as probationary patrol officer in the Princeton Borough Police Department, effective August 2, 2010.

Council President Koontz moved Resolution 2010-R240, Councilwoman Trelstad seconded, and Council approved unanimously.

Mayor Trotman swore in Probationary Patrol Officer Darwin W. Kieffer IV. Officer Kieffer's mother Suzanne held the Bible as he took the oath, with family members looking on.

Chief Dudeck described the stringent process of vetting police candidates and commended Officer. Kieffer's success.

Mayor Trotman read **Agenda Item F, Approval of Minutes.**

Presented for approval were the minutes of the open session of July 27, 2010.

Councilwoman Trelstad moved to approve the minutes of the open session of July 27, 2010, Councilman Goldfarb seconded, and Council approved unanimously.

Mayor Trotman read **Agenda Item G, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda. Mayor Trotman explained the five-minute limit for public presentations; no dialogue with Council members is permitted during this portion of the agenda.

Kate Warren, 17-19 Jefferson Road, asked the source and amount of funds for a consolidation study. Mayor Trotman answered that New Jersey will provide \$38,000 toward a consultation fee; municipalities are responsible for any balance due. Mayor Trotman noted that money spent for the study does not have to be approved by voters.

Councilman Martindell asked if Borough's personnel manual is updated to define "at-will employees." Borough Administrator Robert Bruschi stated that a draft manual will be presented to Council in the fall.

Councilman Martindell wondered about timing of discussions on Harrison Street Park (HSP) maintenance. He recommended asking the neighbors to present to Public Works Committee (September 16, 2010) before speaking to full Council (now scheduled for September 7). Councilwoman Trelstad concurred that Public Works should see the neighbors on September 16, with a follow-up Council hearing after October 10. Council President Koontz supported September 7 as a well-known and planned-for appointment date.

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

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

**RESOLUTION 2010-R241
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 June 2010; and

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

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

Chief Dudeck voiced appreciation to Borough Engineer Christopher Budzinski and the Engineering Department for a "job well done" on refurbishment of Mercer Street.

Councilman Wilkes reported that six police officers participated in Senior Games (basketball). Police and Human Services organized a block party on Clay Street, which was a huge success.

Councilman Goldfarb requested that *hours spent by category* be included in the regular monthly police report.

Council President Koontz moved to accept the police report, Councilman Wilkes seconded, and Council accepted unanimously.

Mayor Trotman read **Agenda Item I, Correspondence (1) — Administrative Waiver of Site Plan Request – 7 Spring Street.**

Mr. Budzinski explained that proposed awnings at the site extend into the public right of way. Council approval is required with the license agreement.

Councilman Goldfarb asked if Borough has a standard form of license that requires \$1 million insurance coverage. Mr. Budzinski replied that Borough does. Councilman Goldfarb requested license agreements be included in agenda packets.

Council President Koontz moved to approve the request and Councilwoman Trelstad seconded. Council approved unanimously.

Mayor Trotman read **Agenda Item J, Discussion (1) — Revaluation.**

Mayor Trotman stated that Council wants to hear from everyone who wants to speak; the number of speakers will determine the length of each presentation.

Mayor Trotman introduced Neal Snyder, Borough Tax Assessor, to inform as to the role of the citizen revaluation committee (CRC). Mr. Bruschi will follow to comment on interest rates on past-due taxes (Resolution 2010-R250). Mayor Trotman will ask Council members to offer their thoughts before she opens to the public. Mayor Trotman stressed that each resident will be allotted three minutes.

Mr. Snyder stated that taxpayers who filed an appeal before May 14 will be heard by Mercer County Tax Board through September 2010. He said some adjustments were made to estimates when the property could not be evaluated. Mr. Snyder referred everyone to New Jersey Division of Taxation's usable sales list—Princeton Borough at 95.26%. Mr. Snyder noted that CRC had participated in final assessments.

Mr. Bruschi stated that present interest rates on delinquent taxes are 18% on amounts up to \$10,000. Resolution 2010-R250 changes the interest rate to 6% on the first \$10,000; maintains 18% on balances over \$10,000. (Mr. Bruschi said there is some flexibility in amending the rates.) Borough is compelled to pass tax dollars through to schools and county, whether actually collected or not.

Council President Koontz asked Mr. Snyder about market movement in residential versus commercial properties. ("How much did the pie shift?") Council President Koontz also wondered about a change of contribution to joint agencies with Township. Mr. Snyder replied that some increase in the commercial portion was noted. The ratios for joint endeavors remained flat, he said.

Councilwoman Crumiller hoped to find new assessment policies and procedures to avoid future "devastating" tax increases. Mr. Snyder replied that neighborhood, global changes are permitted under the maintenance plan—with approval from Mercer—at 25% of properties per year.

Councilman Goldfarb, setting parameters for discussion, stated that individual assessments can *only* be changed by assessor, Mercer County Board of Taxation, or courts—Mayor and Council

have *no role to play* in changing assessments. Council's sole part was to hire and pay the revaluation consultant, ASI. Homeowners' only recourse (absent appeal) is to sue, challenging the entire process as egregious.

Councilman Martindell mentioned long-term possibilities:

- Shift tax burden from large properties to small properties with consolidation or shared services to reduce cost of government
- Seek larger contributions from nonprofits for town maintenance; i.e., police, fire, and so forth.
- Establish a program to convert properties to affordable status.
- Rezone hard-hit areas.

Councilman Wilkes asked Mr. Snyder how to select the 25% to be evaluated each year. Mr. Snyder replied that it is an ongoing process, looking at sales figures for a section of town.

Mayor Trotman opened public discussion with eight members of James Firestone's group, the Princeton Fair Tax Committee (PFT). Mayor Trotman mentioned Mr. Firestone's extensive work with residents throughout the community. Because he will speak for many taxpayers, Mayor Trotman had previously promised five minutes to each member of his group, which she here modified to four. All others will be allowed three minutes each.

Mr. Firestone commented that PFT had come here prepared with a presentation for Mayor and Council. PFT asked Council to acknowledge that the whole revaluation is systematically flawed. He said citizens are concerned that public officials do not perceive a serious problem.

Jackie Swain, 3 and 5 Lytle Street, reported that her small property was re-evaluated from \$410,000 to \$302,000—clearly indicating a flaw in the method that was used for initial assessment.

Tina Clement, 13 Vandeventer Avenue, discussed half houses. When there are two owners on one lot, each is assessed a land value—combined, in her case, 0.12 acres assessed at \$736,000. Ms. Clement compared her assessment to a one-owner duplex valued at \$524,000 and a marginally larger property (0.16 acres) on a well-to-do, bucolic street at \$702,000. Ms. Clement emphasized that her neighborhood does not consist of mega-mansion lots.

Anthony LaPlaca, 127 Moore Street, noted inconsistencies in renovated properties—28% increase for his property versus reduction of 7.3% for a nearby renovated house.

Ms. Warren relinquished her time to other FTP speakers.

Yeou-Shiuh Hsu, 32 Horner Lane, questioned neighboring sales value as the basis for determining the value of his newly rebuilt home. Mr. Firestone explained that Mr. Hsu's house is overbuilt for its street and should receive a deduction.

Clifford Zink, 54 Aiken Avenue, described Aiken properties as small lots with modest homes. Mr. Zink appealed his revaluation and found the “comparables” provided to him astounding—one that sold in 2009 for \$2 million. Mr. Zink said ASI clearly does not understand Princeton Borough. He beseeched Council to admit the process was flawed.

Dale Meade, 38-year resident of Princeton, defined the coefficient of deviation, a measure of assessment accuracy; that is, how well sales prices and assessments coincide. He explained that 0% is perfect, 5% good, 10% worrisome, 15% wrong. Princeton’s was 5.4% from October 2009 to mid-April 2010; from mid-April to present, the coefficient is 10.4%. Mr. Meade pointed out that some neighborhoods had zero sales—what is the basis for a meaningful assessment? Mr. Meade said the land value formula was changed in 1996 to favor large lots and replacement values are artificially low—at the root of the systemically flawed methodology

Alan Hegedus, 56 Armour Road, School Board member for nine years, appreciated the diversity of the community and feared it would erode with tax bills. He thought the extraction process did not apply to the sample size of the Princetons. Mr. Hegedus criticized ASI as delinquent, an adequate cause of action by a private group or the governing body. Mr. Hegedus noted that 54% of property in Princeton Borough is tax exempt—a “golden ghetto.” He said, “Tinkering with the interest rate is more of an insult than a relief.”

Mr. Firestone asked Council to consider a disclaimer and acknowledge that the process is problematic for the voters.

Carol Morrison, 315 Nassau Street in historic district Jugtown, had asked an ASI representative his criteria for revaluation—one criterion is what can be built on the land. Ms. Morrison said that, with the historic designation, her house cannot be demolished. Ms. Morrison asked:

- Who wrote the contract that included future land use as a criterion and who signed it?
- Who evaluated ASI’s work and who managed the contract implementation?
- What are the grounds to reject work of a vendor whose performance is inadequate?

Dan Tamasi, 229 Terhune Road in the Township, on another matter, stated he favored consolidation. He mentioned a 25% assessment discount on one side of his street. Mr. Tamasi complained that the amenities detailed for his house are inaccurate—specifically, there is no fireplace.

Eileen Bird, 53 Moran Avenue, was concerned that her land is valued so high, a three-fold increase for land and house. She appealed without satisfaction, but may not be able to afford to follow up with the Tax Board. Noting that Council takes no responsibility for abating tax increases, Ms. Bird wondered who chose ASI and agreed to a plan that values land at 80% and structures at 20%.

Tom Hagedorn, 38 Chestnut, a mathematician, stated that where the data leads is where to go. Mr. Hagedorn questioned the qualifications of CRC. Mr. Hagedorn stated that the data he sees do not represent market value. He found an area of million-dollar homes all radically under-

assessed versus market; one that was under-assessed by 10% recently sold for 15% above market, a wild swing.

Eleanor Lewis, 108 Linden Lane and owner of 110 Linden Lane, stated that the revaluation is a exercise in social engineering that will result in elimination of the poorer population. She said the errors began in the tax assessor's office and were compounded by ASI. Council is absolutely responsible, since the assessor is an employee and ASI a contractor. Ms. Lewis discredited all five members of the CRC—three received reductions, one lives in Kingston, one works for Princeton University (PU).

Mary Ellen Marino, 9 Horner Lane, agreed with Ms. Lewis.

Patricia McKellar, 12 Lytle Street, stated that her land was misrepresented on the property map as twice as wide as actual. She wondered if she has been taxed on the double width since 1967.

John Anagbo, 159 Snowden Lane, questioned the judgment of hiring ASI. He thought the tax calculation should be a simple mathematical formula.

Alice Artzt, 51 Hawthorne Avenue, stated that being near three schools provided tax relief to her neighbors because of traffic and trash issues. Her appeal to the Mercer Tax Board was unsuccessful. Ms. Artzt pointed out that elected officials who support the ASI results are, in fact, *elected*.

Richard Reichart, 66 Dempsey Avenue in Township, thought Borough versus Township land assessments made no sense.

Anne Neumann, 22 Alexander Street, said ASI has offered settlements to homeowners before their tax appeals go before the county board. If not illegal, the practice should be. Ms. Neumann questioned decisions regarding PU's main campus assessment, an increase of 10% as opposed to residential increases of 100%. Negotiation of a new PILOT for PU must take into account its true value.

Kip Cherry, 24 Dempsey in the Township, wanted to see the backup data that created site values in each neighborhood. She wanted to know how comparables were selected or rejected.

Bernadine Hines, 200 John Street, reemphasized Borough Council and Township Committee must acknowledge their fiduciary responsibility as elected officials to find out what went wrong. Ms. Hines proposed that the educational community cover any tax shortfall.

Elizabeth Bates, 298 Nassau Street, asked about the philosophy of land valuation. She said the value of a home is best utilized if it is torn down.

Bruce Artzt, 51 Hawthorne Avenue, spoke of the gentrification of Princeton.

Philip Gaudio, 22 Oakland Road questioned disparity of values on his street.

Mayor Trotman closed the public session and returned to Council. Mayor Trotman indicated that Mr. Snyder will watch the local markets closely during the next year.

Councilman Goldfarb thought it was too soon to draw any hard and fast conclusions. He said data developed during the course of revaluation demonstrated balanced sales: assessment ratios across price groups. He mentioned heavy reliance on property taxes throughout New Jersey; in particular, in Princeton.

Councilman Goldfarb stated that individual recourse is appeal. 2010 taxes are fixed; if a systematic error is revealed with forthcoming sales price information, Borough will seek corrections.

Councilwoman Crumiller concurred that “data speaks,” but there are too few numbers available to determine a trend. Councilwoman Crumiller opined that revaluation should be repeated with a different company, looking at market values as well as land values.

Councilwoman Trelstad questioned ASI’s basic formula for ascertaining land value. Councilwoman Trelstad thought it was important to learn whether ASI is making private offers to owners intent on appeal or lawsuit.

Councilman Martindell suggested proceeding with:

1. Obtaining attorney letter as to legality of dismissing ASI conclusions; ramifications if permitted
2. Pursuing contributions from nonprofits by letter from Mayor and Council
3. Mayor and Council resolving (with Township Committee) to find more shared services.

Council President Koontz stressed that the aggregate tax load remains the same, no matter how it is distributed across town. Council President Koontz offered to publicize ASI’s response to open letters from both Princeton governing bodies. Council President Koontz recommended pursuing shared services with nearby towns other than Township.

Councilwoman Crumiller compared an assessment redo to a medical second opinion.

Mr. Snyder stated that about 5% of Borough residents appealed their assessment. He said ASI deems that normal.

Councilman Wilkes supported the plan to reevaluate 25% of properties each year, targeting areas of most concern during the previous review.

Councilman Martindell observed that tax rates might increase even faster with a “rolling” appraisal procedure.

Councilwoman Trelstad thought Mayor and Council—in conjunction with Township—should review zoning practices to stave off gentrification.

Mayor Trotman summarized that

- Mr. Snyder has been assigned some tasks (to return with a status report in three to four months)
- Council to involve Borough attorney
- Mayor and Council to pursue early negotiations with PU
- Clerk to do research on behalf of residents
- Staff will closely observe property sales.

Mayor Trotman read by title **Agenda Item K, Old Business (1) — Public Hearing and Adoption: Ordinance 2010-09** BOND ORDINANCE PROVIDING FOR INSTALLATION OF A NEW POOL IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,053,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,950,825 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Council President Koontz moved to table Ordinance 2010-09, as there is nothing new to report; Councilman Martindell 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 the question. Council agreed unanimously to table.

MAYOR TROTMAN read by title **Agenda Item K, Old Business (2) — Public Hearing and Adoption: Ordinance 2010-12** AN ORDINANCE AMENDING CHAPTER 19 OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974” REGARDING MOTOR VEHICLES AND TRAFFIC.

Councilwoman Trelstad moved to adopt Ordinance 2010-12; Councilwoman Crumiller seconded.

Mr. Budzinski explained that Witherspoon Alley runs from Witherspoon Street, beside Community liquors, behind the new building, and out at South Tulane Street. He said meters will be installed and there was a public outcry over lack of handicapped spaces.

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. Deputy Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read **Agenda Item L, New Business (1) — Resolution 2010-R242** as follows:

**RESOLUTION 2010-R242
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON**

MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51

WHEREAS, the Borough of Princeton desires to make application to the Local Finance Board to seek approval to adopt the following refunding bond ordinances:

ORDINANCE #2010-13 Ordinance Amending in its Entirety Refunding Bond Ordinance #2007-26 of the Borough of Princeton, in the County of Mercer, New Jersey Providing for the Advance Refunding of Certain Parking Utility Bonds, Series 2003, Appropriating \$11,700,000 Therefor and Authorizing the Issuance of \$11,700,000 Parking Utility Refunding Bonds of the Borough for Financing the Costs Thereof, Finally adopted November 7, 2009, in Order to Increase the Amount of the Parking Utility Refunding Bonds to \$12,650,000.

ORDINANCE #2010-14 Refunding Bond Ordinance of the Borough of Princeton, in the County of Mercer, New Jersey Providing for the Advance Refunding of Certain General Improvement Bonds, Series A and Certain General Improvement Bonds, Series B, Appropriating \$5,600,000 Therefor and Authorizing the Issuance of \$5,600,000 General Improvement Refunding Bonds of the Borough for Financing the Cost Thereof; and

WHEREAS, the Borough of Princeton believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose is for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said purpose are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough;

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, STATE OF NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of the resolution and any other appropriate actions with the Local Finance Board as part of such application.

Section 3. Phoenix Advisors, LLC is hereby retained to assist the Borough in negotiating the terms of the underwriting for the refunding.

Section 4. The Local Finance Board is hereby respectfully requested to consider such application and to record its approvals as provided by the applicable New Jersey Statute.

Mr. Bruschi clarified that Borough needs to re-fund existing bonds in order to save \$600,000 in debt service costs. He requested that Council introduce the appropriate ordinances (upcoming on the agenda) for later adoption and application for acceptance by local public finance board in September 2010.

Councilman Goldfarb moved to approve Resolution 2010-R242, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read by title **Agenda Item L, New Business (2) — Introduction and Order to Publish: Ordinance 2010-13 ORDINANCE AMENDING IN ITS ENTIRETY REFUNDING BOND ORDINANCE #2007-26 OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE ADVANCE REFUNDING OF**

CERTAIN PARKING UTILITY IMPROVEMENT BONDS, SERIES 2003, APPROPRIATING \$11,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,700,000 PARKING UTILITY REFUNDING BONDS OF THE BOROUGH FOR FINANCING THE COSTS THEREOF, FINALLY ADOPTED NOVEMBER 7, 2009 IN ORDER TO INCREASE THE AMOUNT OF THE PARKING UTILITY REFUNDING BONDS TO \$12,650,000.

Mr. Bruschi defined the \$11.7 million as bonds issued for the original construction of Spring garage.

Councilwoman Trelstad moved to introduce Ordinance 2010-13; Councilman Martindell 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. Deputy Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held September 14, 2010.

Mayor Trotman read by title **Agenda Item L, New Business (3) — Introduction and Order to Publish: Ordinance 2010-14 REFUNDING BOND ORDINANCE OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE ADVANCE REFUNDING OF CERTAIN GENERAL IMPROVEMENT BONDS, SERIES A AND CERTAIN GENERAL IMPROVEMENT BONDS, SERIES B, APPROPRIATING \$5,600,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$5,600,000 GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH FOR FINANCING THE COST THEREOF.**

Councilman Goldfarb moved to introduce Ordinance 2010-14; Councilwoman Trelstad seconded.

Mayor Trotman opened the public hearing 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. Deputy Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held September 14, 2010.

Mayor Trotman read **Agenda Item L, New Business (4) — Resolution 2010-R243** as follows:

**RESOLUTION 2010-R243
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AMENDMENT TO
PROFESSIONAL SERVICE AGREEMENT
WITH EDGEWATER DESIGN LLC**

WHEREAS, the Borough had previously entered into an agreement with Edgewater Design LLC, (the "Provider") as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-

20.5, for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

WHEREAS, and the Borough wishes to amend said agreement with the Provider for additional construction administration services; and

WHEREAS, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider 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 the Provider from making any reportable contributions through the terms of the contract, 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, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider, specifically for continued construction administration services related to Capital Project #08-05, Harrison Street Park Rehabilitation, as outlined in the Provider's proposal of July 7, 2010, **for an additional fee of \$5,400.00.**

1. 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.
2. 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.
3. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
4. 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.

Council President Koontz moved to approve Resolution 2010-R243 and Councilwoman Trelstad seconded. Council President Koontz said Resolution 2010-R243 renews the design contract for HSP. Mr. Budzinski noted that the bill covers field time, with no charge for office work. Council discussed all the costs for HSP renovation and construction: Total \$472,000, according to Mr. Budzinski, which demonstrates construction *savings* greater than design upgrade *costs*. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item L, New Business (5) — Resolution 2010-R244** as follows:

**RESOLUTION 2010-R244
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT
FOR CAPITAL PROJECT 09-04**

WHEREAS, the Borough of Princeton has determined the need for a street sweeper in connection with Capital Project 09-04 - 2009 Demonstrator (or newer) Broom Street Sweeper w/ Belt Conveyor; and

WHEREAS, the Borough has solicited bid proposals for same which were publicly opened on August 17, 2010; and

WHEREAS, the Borough received the following bid:

August 24, 2010

W. E. Timmerman Co. Inc
Base bid \$161,500.00

WHEREAS, the Borough Engineer has reviewed this bid and determined that the bid submitted by W. E. Timmerman Co. Inc., 3554 Route 22 West, Whitehouse NJ 08888 is a responsible bid and is within the Engineer's Estimate for this project, and

WHEREAS, the New Jersey Department of Environmental Protection's Bureau of Administration & Management's Construction Control Section (Division of Water Quality, Municipal Finance & Construction element) is currently reviewing the bid and other post bid documentation in accordance with the requirements of the New Jersey Environmental Infrastructure Financing Program (NJEIFP); 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 as follows:

Conditioned upon the authorization of the New Jersey Department of Environmental Protection, the contract for the project know as Project 09-04 2009 Demonstrator (or newer) Broom Street Sweeper w/ Belt Conveyor be awarded to W. E. Timmerman Co. Inc., 3554 Route 22 West, Whitehouse NJ 08888 in the amount of \$161,500.00 as set forth in the bid specifications; and

That the Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

Council President Koontz moved to approve Resolution 2010-R244 and Councilwoman Trelstad seconded. Mr. Budzinski stated that only one bid was received. He expressed confidence that the bid was not for a proprietary equipment item. Mr. Budzinski announced that Borough sweeps downtown every day; sharing the apparatus with other towns is problematic. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item L, New Business (6-10) — Resolutions 2010-R245, 2010-R246, 2010-R247, 2010-R248, and 2010-R249** as follows:

**RESOLUTION 2010-R245
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
GREENING PRINCETON**

WHEREAS, Greening Princeton, a Princeton University student-run organization, is planning their Greening Princeton Farmers Market scheduled to open on Tuesday September 21st 2010;and

WHEREAS, Greening Princeton has requested permission to install a banner over Washington Road in Princeton with approval of the Office of Community and State Affairs at Princeton University beginning Wednesday, September 15, 2010 through Monday, September 20, 2010 to inform the public of their event; and

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

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

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

August 24, 2010

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-R246
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
PRINCETON UNIVERSITY**

WHEREAS, Princeton University is planning their annual Community and Staff Day scheduled for Saturday, September 25st 2010; and

WHEREAS, Princeton University has requested permission to install a banner over Washington Road in Princeton with approval of the Office of Community and State Affairs at Princeton University beginning Monday, September 20, 2010 through Monday, September 27, 2010 to inform the public of their event; and

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

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

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

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

**RESOLUTION 2010-R247
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
SUPPORTING THE OVER THE LIMIT UNDER ARREST
2010 STATEWIDE CRACKDOWN**

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 31% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, a enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of summer season is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2010 Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 20 - September 6, 2009; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton declares it's support for the Over the Limit Under Arrest 2010 Statewide Crackdown from August 20 - September 6, 2010 and pledges to increase awareness of the dangers of drinking and driving.

**RESOLUTION 2010-R248
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING RAFFLE LICENSE RA:333
TO MCCARTER THEATRE CENTER FOR PERFORMING ARTS**

WHEREAS, McCarter Theatre Center For Performing Arts has submitted a raffle application to the Borough Clerk; and

WHEREAS, N.J.A.C. 13:47-4.1 requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period is satisfied on August 24, 2010; and

WHEREAS, McCarter Theatre Center For Performing Arts, in accordance with N.J.A.C. 13:47-3 et seq, has submitted the required fees, four copies of their application, and the Legalized Games of Chance Control Commission (LGCCC) registration form with identification number.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that raffle license RA: 333 for McCarter Theatre Center For Performing Arts be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the Finding and Determinations for RA: 333 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

**RESOLUTION 2010-R249
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
ASSOCIATE MEMBER**

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

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

WHEREAS, the following employee of Princeton University has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 23, Section 25(a) through 25(g) as Associate Member of the PRINCETON FIRE DEPARTMENT:

Craig R. Stapfer

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for Associate Membership to the Office of the Borough Administrator, the Fire Chief, Princeton University and Fire Companies.

Council President Koontz moved to approve Resolutions 2010-R245, 2010-R246, 2010-R247, 2010-R248, and 2010-R249; Councilman Wilkes seconded; Borough Council approved unanimously.

Mayor Trotman read **Agenda Item L, New Business (11) — Resolution 2010-R250** as follows:

**RESOLUTION 2010-R250
OF MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
COUNTY OF MERCER, STATE OF NEW JERSEY
DECREASING CURRENT RATES OF INTEREST
FOR DELINQUENT REAL PROPERTY TAXES**

WHEREAS, the Borough of Princeton (the “Borough”) recognizes the financial impact of the current economic climate on Borough residents and taxpayers.

WHEREAS, the Borough recognizes that its current rates of interest to be charged for delinquent real property taxes, assessments or other municipal charges are set at the maximum rates permitted by the State of New Jersey.

WHEREAS, the Borough seeks to provide financial relief to its residents and taxpayers who may have delinquent real property taxes, assessments or other municipal charges through decreasing the current rates of interest to be charged for delinquent real property taxes, assessments or other municipal charges related to real property.

WHEREAS, the Borough, pursuant to N.J.S.A. 54:4-67, has the authority to fix the rate of interest assessed to delinquent real property taxes, assessments or other municipal charges related to real property.

WHEREAS, the current rates of interest for delinquent real property taxes, assessments or other municipal charges are eight (8) percent on the first \$1,500, eighteen (18) percent on amounts in excess of \$1,500, and a six (6) percent penalty on amounts in excess of \$10,000 delinquent at the end of the fiscal year.

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

The rate of interest for delinquent real property taxes, assessments or other municipal charges related to real property is fixed at six percent (6%) on the first \$15,000 of delinquent real property taxes, assessments or other municipal charges related to real property and eighteen percent (18%) on delinquent amounts greater than \$15,000.

Pursuant to N.J.S.A. 54:4-67, this rate change will take effect after adoption of this Resolution by the governing body, and upon notice to all taxpayers stating the new rates as established by this Resolution and the effective date thereof.

Councilman Wilkes moved to approve Resolution 2010-R250 and Councilwoman Trelstad seconded.

Councilman Martindell endorsed the concept but wondered how the percentage was chosen and how the calculation works over time. Councilman Goldfarb answered that Borough does not want to be primary lender to its residents with credit card debt. Council members knew that Township charges 8% for all overdue amounts.

Councilman Goldfarb said property tax is a primary obligation; no one wants tax sales. Councilman Martindell stated that if the owner is delinquent more than one year, there is an additional 6% penalty. Council held an extended debate about application of interest and penalties.

Councilman Martindell moved to change the base add-on to \$15,000 and eliminate the penalty. Councilwoman Trelstad seconded. Council approved unanimously. Council asked Chief Finance Officer Sandra L. Webb to draft a letter to taxpayers describing the content of Resolution 2010-R250 including changes from previous.

Mayor Trotman asked Mr. Bruschi to investigate a method for Council to help needy taxpayers.

Mayor Trotman read **Agenda Item M, Bill List for August 24, 2010 — Resolution 2010-R251** as follows:

**RESOLUTION 2010-R251
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE AUGUST 24, 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:

CURRENT ACCOUNT (10-01)	152,710.36
RESERVE ACCOUNT (9-01)	9,502.30
PARKING UTILITY OPERATING FUND (10-05)	14,628.18
PARKING UTILITY OPERATING FUND (9-05)	
IMPROVEMENT ASSESSMENT (10-11)	
AFFORDABLE HOUSING OPERATING ACCT (10-24)	2,050.00
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
CAPITAL ACCOUNT (C-04)	136,469.06
PARKING UTILITY CAPITAL FUND (P-06)	6,677.75
ESCROW (E-30)	1,740.44
TRUST FUND (T-13)	
UNEMPLOYMENT TRUST (10-18)	259.50
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (10-22)	

August 24, 2010

MANUAL
GRANT (G-02)

4,078,183.88
4,184.21

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list August 24, 2010 as presented.

Councilman Wilkes moved to approve Resolution 2010-R251, Council President Koontz seconded, and Council approved unanimously.

Council President Koontz moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 10:55 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk