

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
September 14, 2010
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Andrew Koontz (*arrived 7:06 P.M.*), Councilwoman Jenny Crumiller, Councilman David Goldfarb, Councilman Roger Martindell, Councilman Kevin Wilkes, Mayor Mildred Trotman

Absent: Councilwoman Barbara Trelstad

Staff Present: Borough Administrator Robert W. Bruschi, 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 September 14, 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-R262**, as follows:

**RESOLUTION 2010-R262
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON SEPTEMBER 14, 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 — Engineering

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 Crumiller seconded. Council members Koontz, Crumiller, Goldfarb, Martindell, 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 D, Salute to the Flag.**

Mayor Trotman paid tribute to the late Borough Engineer Christopher M. Budzinski, who passed away suddenly on September 9, 2010. She cited his many accomplishments during his brief time here and mentioned his abundance of new friends and colleagues throughout the Princeton community. Everyone in the chamber observed a moment of silence in Mr. Budzinski's memory.

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

Presented for approval were the minutes of the open session of August 24, 2010.

Council President Koontz moved to approve the minutes of the open session of August 24, 2010, Councilman Goldfarb seconded, and Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item F, 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. If so indicated, Council will take action at a later date.

Robert Whiteside, Hawthorne Avenue, questioned Borough's tax relationship with Mercer County. Mr. Whiteside found it inappropriate that 40% of this year's increase was assigned to Mercer. He asked if Council is satisfied that Mercer is treating Princeton Borough fairly.

Councilman Goldfarb was content that the calculations were done properly within the law. Fairness is another issue, he said, noting that Borough values grew in relation to the rest of the county.

Council President Koontz raised the issue of what projects and services Mercer provides to municipalities for their county contribution—a topic to be pursued.

Councilman Martindell proposed a vote on revaluation for the September 28, 2010, agenda. He referred to handouts encompassing possible resolutions for Council's and public consideration. Councilman Martindell requested Council discussion of his memorandum tonight in order to facilitate a vote in two weeks.

Councilman Goldfarb thought the five-minute limit should apply to Council members as well as persons from the public.

Council President Koontz supported discussion of Councilman Martindell's draft resolutions at a later date.

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Mayor Trotman assigned five minutes at the end of today's meeting for Councilman Martindell to list his points.

Councilwoman Crumiller commented that newly constructed houses for sale are assessed as "vacant land." Borough Administrator Robert Bruschi undertook to research the pertinent tax law.

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

Mayor Trotman read **Agenda Item G, Report (1)** — Princeton Senior Resource Center (PSRC) Annual Report – *Susan Hoskins, Executive Director*.

Ms. Hoskins referred Council to PSRC's monthly bulletins and 2009-10 annual report.

Ms. Hoskins was appreciative of the renovations in progress at Suzanne Patterson Center. She thanked staff and community groups for maintaining programs at various locations around town during the facelift.

Ms. Hoskins said PSRC has been strengthening existing programs. They are working on Web innovations and improvements, branding, and community awareness. In particular, Ms. Hoskins declared Crosstown to be a valuable resource to identify individuals in need. PSRC is working to educate older adults on property tax rebates and healthcare reform, among other issues. Ms. Hoskins went on to describe a number of upcoming events and collaborations.

Mayor Trotman asked for statistics on Crosstown 62 usage. Ms. Hoskins could only provide current information; previous operational data should be obtainable.

Councilman Goldfarb suggested that PSRC employ the Free B bus during daytime hours when it is not in service as a shuttle. Ms. Hoskins replied that she and Ms. Persichetti of PCH are looking to overcome funding impediments to create a jitney loop that will run during the day. Mr. Bruschi foresaw increased usage of the Free B vehicle with increased capitalization.

Borough Clerk Andrea Quinty read a statement from Barbara Trelstad into the record, thanking Ms. Hoskins and her staff for their guidance during her recent crisis.

Council President Koontz moved to accept the PSRC report, Councilman Wilkes seconded, and Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item G, Report (2)** — Princeton Community Housing (PCH) Annual Report – *Sandra Persichetti, Executive Director*.

Ms. Persichetti stated that PCH owns and manages almost 500 units in the Princetons, with a total population of 950. PCH also runs some properties owned by others on Leigh Avenue, Shirley, and Maclean. Ms. Persichetti described renovations and new construction achieved during the past year.

Ms. Persichetti announced the 25th anniversary celebration for Elm Court on October 5, 2010, with concurrent dedication of a community garden for residents' use. Ms. Persichetti mentioned the "Aging in Place" initiative to aid older seniors. Ms. Persichetti said a persistent fiscal problem is inability of applicants to meet credit requirements.

Ms. Persichetti commended Anton Lahnston's success devising an all-day, 45-minute loop route for the Free B that visits Princeton Community Village, Elm Court, and Harriet Bryant House. Financial details remain unresolved.

Councilman Goldfarb brought up courtesy transportation for seniors of marginal means versus school children from families with income. Council reviewed courtesy busing practices, with a plan to revisit hazardous routes early in 2011.

Councilman Martindell asked about recent history in dealing with PCH evictions. Ms. Persichetti explained their legal process and indicated no evictions occurred in the last year.

Council President Koontz moved to accept the PCH report, Councilman Wilkes seconded, and Council approved unanimously.

Ms. Persichetti thanked Council for their continuing interest in PCH.

Mayor Trotman read by title **Agenda Item H, Old Business (1) — Public Hearing and Adoption: 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 HTEREOF, FINALLY ADOPTED NOVEMBER 7, 2009 IN ORDER TO INCREASE THE AMOUNT OF THE PARKING UTILITY REFUNDING BONDS TO \$12,650,000.

Councilman Goldfarb moved to adopt Ordinance 2010-13; Council President Koontz seconded.

Mr. Bruschi reported that Ordinance 2010-13 is a final step toward approval by local public finance board for re-funding bonds—savings for Borough of \$400,000.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item H, Old Business (2) — Public Hearing and Adoption: 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.

Council President Koontz moved to adopt Ordinance 2010-14; Councilman Goldfarb seconded.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read **Agenda Item I, New Business (1) — Resolution 2010-R263** as follows:

**RESOLUTION 2010-R263
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARD OF CONTRACT FOR CAPITAL PROJECT 10-01**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with Capital project # 10-01, known as Improvements To Houghton Road and Hawthorne Avenue; and

WHEREAS, the Borough has solicited bid proposals for same and all bid proposals were publically opened on September 8, 2010; and

WHEREAS, the Borough received the following bids:

S. Brothers Inc.	\$692,478.60
ICU NJ	\$759,590.40
Topline Construction	\$766,769.80
Green Construction Inc	\$832,059.38
Black Rock Enterprises, LLC	\$896,890.50
B & B Construction LLC	\$1,094,753.00 (corrected bid amount)

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the bids and determined that the bid submitted by S. Brothers Inc. is a responsible bid and is within the Engineers estimate for this project; 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 that the Mayor and Council of the Borough of Princeton hereby recommends that the above referenced contract be awarded to S Brothers Construction Inc., PO Box 317 South River, NJ 08882 for Capital project #10-01, in the total amount of \$692,478.60, as set forth in the bid specifications.

BE IT FURTHER RESOLVED, 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-R263, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (2) — Resolution 2010-R264** as follows:

**RESOLUTION 2010-R264
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE RELEASE OF PERFORMANCE BOND
AND ACCEPTING MAINTENANCE BOND**

FOR CAPITAL PROJECT 08-05

WHEREAS, on September 22, 2009, the Borough entered into a contract for Capital Project # 08-05, known as the Harrison Street Park Rehabilitation (the "Project") with JC Landscape Construction Management, who posted Performance Bond # 6609072 issued by First National Insurance Company of America; and

WHEREAS, the Borough Engineer has advised that the Project has been satisfactorily completed and further recommends that the Performance Bond be released and that a Maintenance Bond be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the Performance Bond # 6609072 posted by JC Landscape Construction Management, issued by First National Insurance Company of America in the amount of \$485,514.30 be released and that Maintenance Bond # 6609072 issued by First National Insurance Company of America in the amount of \$47,966.55, be accepted to guarantee against defects in workmanship and materials which may become apparent for the period of one year from the date of approval of the Contract work, the approval date being July 1, 2010.

Council President Koontz moved to approve Resolution 2010-R264, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (3) — Resolution 2010-R265** as follows:

**RESOLUTION 2010-R265
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES
ARCHITECTURAL DESIGN**

WHEREAS, the Borough wishes to enter into an agreement with Sapphire & Albarran Architecture LLC, 12 Main Street, Pennington, NJ 08534, (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, 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 for continued work on the architectural design and bid documentation preparation in connection Capital Project 10-06, Princeton Firehouse #3 Renovations, as outlined in the proposal of August 27, 2010, for a total fee of twenty three thousand dollars.

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.

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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-R265; Councilman Goldfarb seconded.

Councilman Goldfarb asked if the cost for the architect for Valley Road School is being shared with Princeton Township. Councilman Wilkes clarified that Resolution 2010-R265 covers roof and HVAC improvements for Mercer #3 Fire House.

Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (4) — Resolution 2010-R266** as follows:

**RESOLUTION 2010-R266
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY HISTORICAL SOCIETY OF PRINCETON**

WHEREAS, Historical Society of Princeton has planned its annual Princeton Fall Antiques and Fine Arts Show; and

WHEREAS, Historical Society 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 September 15, 2010 through Monday, September 20, 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.

Councilman Wilkes moved to approve Resolution 2010-R266, Councilman Martindell seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, Bill List for September 14, 2010 — Resolution 2010-R267** as follows:

**RESOLUTION 2010-R267
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

APPROVING THE SEPTEMBER 14, 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 (10-01)	476896.60
RESERVE ACCOUNT (9-01)	
PARKING UTILITY OPERATING FUND (10-05)	3,063.55
PARKING UTILITY OPERATING FUND (9-05)	
AFFORDABLE HOUSING OPERATING ACCT (10-24)	3,156.65
IMPROVEMENT ASSESSMENT (10-11)	
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
CAPITAL ACCOUNT (C-04)	454,268.65
PARKING UTILITY CAPITAL FUND (P-06)	1,192.25
ESCROW (E-30)	2.40
TRUST FUND (T-13)	207.00
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (10-22)	
MANUAL	
ASSESSMENT TRUST FUND (10-11)	
GRANT (G-02)	1,500.00

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list September 14, 2010 as presented.

Council President Koontz moved to approve Resolution 2010-R267, Councilman Wilkes seconded, and Council approved four to one, with Councilman Goldfarb voting nay.

Returning to **Agenda Item F, Public Presentation**, Mayor Trotman allotted five minutes for Councilman Martindell to detail his preliminary resolutions for possible action on September 28.

Councilman Martindell hoped Council would take initiative to address open issues on revaluation.

1. Instruct Borough Attorney to inform as to accuracy and fairness of revaluation process, and how to mitigate consequences.
2. Begin early renegotiations with Princeton University to increase its annual contribution to Borough coffers.
3. Create revaluation study commission (possibly in conjunction with Township) to evaluate all aspects and repercussions.
4. Investigate shared services with Princeton Township and other surrounding governments.

Council President Koontz moved for staff to prepare necessary documentation for September 28, Councilman Wilkes seconded, and Council approved unanimously. Council President Koontz urged his colleagues to analyze the draft resolutions in anticipation of debate.

Councilman Wilkes moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 8:41 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk