

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
October 12, 2010
Regular Meeting
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 Attorney Maeve E. Cannon, Princeton Regional Health Commission Officer David Henry, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:30 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 October 12, 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 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 September 28, 2010.

Council President Koontz moved to approve the minutes of the open session of September 28, 2010, Councilman Martindell seconded, and Council approved five to zero, with Councilwoman Trelstad abstaining.

Mayor Trotman read **Agenda Item E, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda.

Mayor Trotman announced that the Joint Shared Services Study Commission will hold a public meeting Thursday, October 28, 2010, at 7:00 P.M. in the John Witherspoon School auditorium, 217 Walnut Lane.

October 12, 2010

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

Mayor Trotman read **Agenda Item F, Report (1) — Sustainable Princeton (SP) Report – Diane Landis**.

Matthew Wasserman, Chair of the Princeton Environmental Commission (PEC)—which advises SP—read the PEC/SP mission statement and introduced new part-time coordinator, Diane Landis. Mr. Wasserman announced that PEC is applying for 502-C3 status, hoping to achieve nonprofit status. Mr. Wasserman asked Council to commit another \$7,500 in 2010 to a sustainable future until self-sufficiency can be realized in 2011.

Ms. Landis declared that, with the help of many volunteers, SP was able to realize the community plan that addressed energy use and savings, curbside leaf pickup, Build-A-Bin to encourage backyard composting, municipal green actions, and 501-C3 application.

Looking toward 2011, Ms. Landis listed upcoming projects: Cooperative green purchasing program, green building checklist, feedback on cost savings from green efforts, and workshops on energy-saving actions (alternative energy and weatherproofing, for example).

Councilman Goldfarb was concerned about Build-A-Bin in downtown, with concomitant rat infestations. Ms. Landis clarified that strict composting guidelines prohibit foods that attract vermin.

Princeton Regional Health Commission Officer David Henry volunteered to coordinate with Ms. Landis to identify suitable scraps and release appropriate information to the public.

Councilwoman Trelstad observed that food purveyors do not control garbage dropped by patrons.

Council President Koontz asked about education programs on food waste recycling. Ms. Landis replied that closed containers for forbidden items (meat, pizza boxes, dairy) will soon be available for households. Ms. Landis said Princeton's is the first residential food waste initiative in New Jersey.

Councilman Martindell asked how to measure improvements (i.e., reductions) in carbon footprint. Ms. Landis referred him to EARTHLAB.COM, a detailed look at sustainability for individuals.

Councilman Goldfarb wanted to seek guidance from Princeton University about measuring Borough's carbon footprint.

Councilman Martindell sought help from PEC to analyze the future arts and transit hub; that is, present footprint versus proposed.

October 12, 2010

Mayor Trotman followed up with Mr. Wasserman about repeating 2009's \$15,000 grant. Mr. Wasserman answered that the deadline for application is October 22, 2010, with a possible extension pending a budget commitment from Council.

Borough Administrator Robert Bruschi recommended a 2010 budget line transfer to 2011. Council members informally agreed.

Council President Koontz moved to accept the report from SP, Councilwoman Trelstad seconded, and Council approved unanimously.

Mayor Trotman read by title **Agenda Item G, Old Business (1) — Introduction and Order to Publish: Ordinance 2010-06 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING "GARBAGE AND REFUSE."**

Council President Koontz moved to introduce Ordinance 2010-06; Councilwoman Trelstad seconded.

Council President Koontz noted that two ordinances before Council were tabled from earlier meetings for referral to the health commission. Council President Koontz asked Mr. Henry's opinion about wording and enforcement of both ordinances.

Counsel debated, in particular, permissible hours for curbside placement of trash containers and insect-infested personal property. Mr. Bruschi said Borough does not assign resources as "garbage police." Selective police enforcement responds to abuse of curbside policy; in particular, chronic problem properties.

Councilman Martindell moved to amend language of Ordinance 2010-06, as discussed by Council. Council President Koontz seconded the new phrasing. Councilman Goldfarb made another small revision. Council refined suitable curbside hours. Council mover and seconder agreed to the changes for ordinance introduction.

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, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held October 26, 2010.

Mayor Trotman read by title **Agenda Item G, Old Business (2) — Introduction and Order to Publish: Ordinance 2010-07 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16 OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING "HOUSING."**

Councilman Martindell moved to introduce Ordinance 2010-07; Councilwoman Trelstad seconded.

Councilman Goldfarb complained that Ordinance 2010-07 was too general for consideration.

Councilman Martindell provided background on creation of Ordinance 2010-07; namely, apartment owners renting out space during bedbug infestation—with potential risk to tenants’ health—at 205 Nassau Street.

Council members debated clarifying terminology.

Mr. Bruschi stated that broad language allows action by *all* departments in case of an emergency.

Councilman Martindell proposed new wording to accommodate Council members’ comments. Council spent time considering the seriousness of violations (24-hour or 5-day notification to rectify—total amelioration period may be longer).

Ms. Cannon provided final wording for Ordinance 2010-07.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue.

Otto Lazereth, 19 Moran, asked the location of 205 Nassau and what happened there. Councilman Goldfarb replied: Corner of Charlton; bedbug infestation.

Seeing no one further, Mayor Trotman 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, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held October 26, 2010.

Mayor Trotman read **Agenda Item I, Old Business (3 and 4) — Resolution 2010-R169 and Resolution 2010-R170** as follows:

**RESOLUTION 2010-R169
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A RIGHTS-OF-WAY USE AGREEMENT BETWEEN THE BOROUGH OF
PRINCETON AND CABLEVISION LIGHTPATH – NJ, INC. FOR THE INSTALLATION OF A
TELECOMMUNICATIONS SYSTEM**

WHEREAS, the Borough of Princeton (the “Borough”) desires to enter into a rights-of-way use agreement (“Use Agreement”) with Cablevision Lightpath - NJ, Inc. and its subsidiary company 4Connections LLC (collectively referred to herein as “Lightpath”) with offices located at 200 Jericho Quadrangle, Jericho, New York 11753.

WHEREAS, Cablevision Lightpath — NJ, Inc. was approved by the New Jersey Board of Public Utilities (“BPU”) to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE97120883 on December 5, 1997 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, 4Connections LLC has been approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket no, TE02010035 on November 5, 2003, and intends to provide

telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities;

WHEREAS, pursuant to such authority granted by the New Jersey Board of Public Utilities, Lightpath may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services; and

WHEREAS, Lightpath proposes to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the Public Rights-of-Way within the Borough for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and,

WHEREAS, it is in the public interest for the Borough to promote competition in the telecommunications market and for the Borough to grant consent to Lightpath to occupy said Public Rights-of-Way within the Borough for this purpose; and,

WHEREAS, the consent granted herein is for the non-exclusive use of the Public Rights-of-Way within the Borough for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

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

1. Lightpath is hereby granted permission to install, operate and maintain its telecommunications system within the Borough of Princeton in accordance with the routing plan previously provided to the Borough for approval. If there should be any deviation from either the routing plan or method of installation as presently proposed, Lightpath will notify the Borough and post a performance bond for the work, if said bond is determined by the Borough to be required.

2. The Borough, pursuant to N.J.S.A. 48:3-18 has the authority to enter into the Use Agreement, which attached hereto and incorporated by reference herein in its entirety, with Lightpath for the use of utility poles upon such terms and conditions as agreed upon by the Borough and Lightpath.

3. The installation, operation and maintenance of Lightpath's telecommunications system shall not interfere with the safety or convenience of persons or vehicles traveling on public streets, highways or right-of-way within the Borough.

4. In accordance with the terms of the Use Agreement, Lightpath shall agree to indemnify, save, defend and hold harmless the Borough, and its officers, officials, agents, servants, administrators, and employees, from and against any and all liability or damages arising out of the use of said premises or property.

**RESOLUTION 2010- R170
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A RIGHTS-OF-WAY USE AGREEMENT BETWEEN THE BOROUGH OF
PRINCETON AND FIBER TECHNOLOGIES NETWORKS, LLC FOR THE INSTALLATION OF
A TELECOMMUNICATIONS SYSTEM**

WHEREAS, the Borough of Princeton (the "Borough") desires to enter into a rights-of-way use agreement ("Use Agreement") with Fiber Technologies Networks, LLC ("Fibertech") with offices located at 300 Meridian Centre, Rochester, New York.

WHEREAS, Fibertech was approved by the New Jersey Board of Public Utilities ("BPU") to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE05080683 on September 14, 2005 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, pursuant to such authority granted by the New Jersey Board of Public Utilities, Fibertech may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services; and

WHEREAS, Fibertech proposes to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the Public Rights-of-Way within the Borough for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and,

WHEREAS, it is in the public interest for the Borough to promote competition in the telecommunications market and for the Borough to grant consent to Fibertech to occupy said Public Rights-of-Way within the Borough for this purpose; and,

WHEREAS, the consent granted herein is for the non-exclusive use of the Public Rights-of-Way within the Borough for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

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

1. Fibertech is hereby granted permission to install, operate and maintain its telecommunications system within the Borough of Princeton in accordance with the routing plan previously provided to the Borough for approval. If there should be any deviation from either the routing plan or method of installation as presently proposed, Fibertech will notify the Borough and post a performance bond for the work, if said bond is determined by the Borough to be required.

2. The Borough, pursuant to N.J.S.A. 48:3-18 has the authority to enter into the Use Agreement, which attached hereto and incorporated by reference herein in its entirety, with Fibertech for the use of utility poles upon such terms and conditions as agreed upon by the Borough and Fibertech.

3. The installation, operation and maintenance of Fibertech's telecommunications system shall not interfere with the safety or convenience of persons or vehicles traveling on public streets, highways or right-of-way within the Borough.

4. In accordance with the terms of the Use Agreement, Fibertech shall agree to indemnify, save, defend and hold harmless the Borough, and its officers, officials, agents, servants, administrators, and employees, from and against any and all liability or damages arising out of the use of said premises or property.

Ms. Cannon reviewed Resolution 2010-R169 and Resolution 2010-R170, which were before Council on May 25, 2010. At that time, Council sought further information about fiber optic options.

Ms. Cannon introduced Robert Tarzian of Fibertech and Kevin Drennan of Cablevision—in the audience to answer Council questions.

Ms. Cannon described the history of fiber optic vendors in Princeton.

Ms. Cannon said Borough may receive reimbursement for installation costs but cannot demand space on the cable—vendor may provide space voluntarily. Ms. Cannon distinguished between (1) dark fiber cable—rentable capacity and (2) lit fiber—dedicated capacity.

Council members expressed concern that vendors do not remove wires when no longer in use. Council members concurred that Borough should review the agreement between cable provider and pole owner before contracting with provider.

Mr. Drennan, representing Lightpath entity of Cablevision, said pole holders require rights-of-way before entering into an agreement with a municipality. He mentioned FCC guidelines for pole attachment and pole attachment fees. Lightpath is seeking rights to the entire Borough.

Council President Koontz clarified that the cabler agreement with Borough must, then, antedate an agreement with pole owner; *however*, Borough could insist on a condition in the subsequent vendor–pole holder contract.

Mr. Tarzian of Fibertech said his firm has defined a route for their passage through Borough. Mr. Tarzian stated that his company offers dark fiber services to governments, hospitals, and other commercial endeavors. They need a thoroughfare through Princeton to connect their clients to outlying areas.

Council President Koontz thought the more restricted path requested by Fibertech gave benefit to Borough. Mr. Tarzian said Fibertech often expands its coverage once it is embedded in a

community; he offered a generic route involving all streets as well as the specific route already mapped.

Councilman Martindell moved to table Resolution 2010-R169 and Resolution 2010-R170 pending review of Lightpath's and Fibertech's generic contract; Councilman Goldfarb seconded; Borough Council approved unanimously. Ms. Cannon will amend the resolutions to include an appendix: The contract between vendor and pole owner regarding removal of obsolete wires.

Mayor Trotman read **Agenda Item I, Old Business (5) — Resolution 2010-R286** as follows:

**RESOLUTION 2010-R286
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A SETTLEMENT AGREEMENT**

WHEREAS, the Borough of Princeton (the "Borough") desires to enter into a settlement agreement with Scott Whitlock to resolve any and all outstanding issues that may exist between the parties.

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

1. The Borough is authorized to enter into a settlement agreement with Scott Whitlock pursuant to the terms contained therein.

Councilwoman Trelstad moved to approve Resolution 2010-R286, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman left the chamber at 9:34 P.M.

Council President Koontz read **Agenda Item H, New Business (1) — Resolution 2010-R288** as follows:

**RESOLUTION 2010 - R288
OF THE MAYOR AND COUNCIL
THE BOROUGH OF PRINCETON
CREATING A JOINT REVALUATION STUDY COMMISSION**

WHEREAS, as directed by the Mercer County Board of Taxation for 2010, the Township of Princeton and Borough of Princeton implemented a real property tax revaluation pursuant to Title 54 of the New Jersey Statutes Annotated; and

WHEREAS, as a result of the community-wide property tax revaluation, real property taxes increased for a number of residents and created a financial burden for them; and

WHEREAS, the Township Committee and Borough Council deems it advisable to appoint a revaluation study commission to study the real property tax burden created on residents affected by the 2010 evaluation; and

NOW, THEREFORE, BE IT RESOLVED, by the Princeton Township Committee and the Princeton Borough Council as follows:

1. The Township of Princeton and Borough of Princeton hereby establish a Joint Revaluation Study Commission.

2. The Township Clerk and Borough Clerk shall solicit applications to serve on the Commission.

3. The Commission shall consist of an equal number of Township and Borough residents selected by the two municipal governing bodies, and the total shall not number more than ten or fewer than six. Each such member shall have one vote. One member of the Township governing body and one member of the Borough governing body shall be designated as a non-voting liaison of their respective governing body to the Commission, with a second member designated as a non-voting alternate liaison. The mayors of the respective municipalities shall appoint the members of the Commission, with the advice and consent of the respective governing bodies.

October 12, 2010

4. The Borough Administrator or his designee, and the Township Administrator or his designee shall serve on the Commission *ex officio* as non-voting members. The Tax Assessor for the Township and Borough shall be available to the Commission.

5. The Commission shall take action based on the vote of a majority of members present and voting, plus one.

6. The charge to the Commission is to:

A. explore initiatives such as a tax relief fund, reverse mortgages, etc., as potential sources of relief for taxpayers struggling with the payment of increased real property taxes following revaluation; and

B. review the laws of New Jersey as they pertain to property tax revaluation and make recommendations through the municipal governing bodies to the New Jersey State Senate and the New Jersey State Assembly for revision of existing law so as to provide additional mechanisms by which municipalities can reduce financial hardship to taxpayers caused by property tax revaluation; and

C. solicit opinion and data from residents and neighborhood organizations concerning the results of the recently completed revaluation and its impact on the community, including, but not limited to, the criteria, methodology, and accuracy of the results of the 2010 property tax revaluation; and

D. report to the Township Committee and Borough Council and the taxpayers of the community orally and by written final report on the findings and recommendation concerning subparagraphs A. - C. above, on or before 90 days from the date of establishment of the Commission, or on such schedule as may be established by the Commission when duly constituted.

Councilwoman Trelstad moved to approve Resolution 2010-R288; Councilman Martindell seconded.

Council President Koontz presented a chronology of Resolution 2010-R288:

- Council authorized creation of a study commission to investigate revaluation.
- Township similarly authorized a task force.
- Resolution 2010-R288 combines the efforts into one unit.

Councilman Martindell explained that Resolution 2010-R288's intention is to incorporate the essential ideas of both governing bodies' resolutions into a *joint* body to study the revaluation of 2010.

Council President Koontz stated that Mayor Miller and Township Committee agree on Resolution 2010-R288 as written; they will act on a sister resolution next week.

Mayor Trotman returned at 9:39 P.M.

Mayor Trotman announced that Borough and Township will jointly appeal to the public for interested candidates.

Hearing no further discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion passed six to zero.

Mayor Trotman read **Agenda Item H, New Business (2) — Resolution 2010-R289** as follows:

**RESOLUTION 2010-R289
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING RAFFLE LICENSE RA:335
TO YMCA PRINCETON**

October 12, 2010

WHEREAS, the YMCA Princeton 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 October 12, 2010; and

WHEREAS, Corner House Foundation 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: 335 for YMCA Princeton be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the Finding and Determinations for RA: 335 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

Council President Koontz moved to approve Resolution 2010-R289 and Councilman Wilkes seconded.

Councilman Goldfarb noted confusion in Resolution 2010-R289 about who wants the banner: It is YMCA.

Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, Bill List for October 12, 2010 — Resolution 2010-R290** as follows:

**RESOLUTION 2010-R290
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE OCTOBER 12, 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) | 5,386,934.92 |
| RESERVE ACCOUNT (9-01) | 2,334.00 |
| PARKING UTILITY OPERATING FUND (10-05) | 10,858.64 |
| PARKING UTILITY OPERATING FUND (9-05) | |
| AFFORDABLE HOUSING OPERATING ACCT (10-24) | 212.76 |
| IMPROVEMENT ASSESSMENT (10-11) | |
| AFFORDABLE HOUSING OPERATING ACCT (9-24) | |
| CAPITAL ACCOUNT (C-04) | 521,914.52 |
| PARKING UTILITY CAPITAL FUND (P-06) | |
| ESCROW (E-30) | 4,227.34 |
| TRUST FUND (T-13) | 6,740.00 |
| GENERAL INSURANCE | |
| FLEXIBLE SPENDING FUND (10-22) | 199,597.58 |
| MANUAL | |
| ASSESSMENT TRUST FUND (10-11) | |
| GRANT (G-02) | 10,450.36 |

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list October 12, 2010 as presented.

Council President Koontz moved to approve Resolution 2010-R290, Councilwoman Trelstad seconded, and Council approved unanimously.

October 12, 2010

Council President Koontz moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:48 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk